

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**NOVEMBER 20, 2000**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

## TABLE OF CONTENTS

Call to Order .....	1
Members Present.....	1
Members Absent .....	1
Adoption of Agenda.....	1
APPROVED AS AMENDED.....	1
Approval of Minutes .....	1
APPROVED AS PRESENTED.....	1
Director's Report .....	1
Financial Status Report - YTD Division Expenditures.....	2
INFORMATIONAL ONLY .....	5
Petition for Rulemaking – Mayor William H. Harbor, City of Henderson .....	5
REMOVED FROM TABLE.....	16
APPROVED AS PRESENTED.....	20
P      20	
Toxic Cleanup Days and Household Hazardous Materials General Education Grants.....	21
INFORMATION ONLY .....	23
Solid Waste Alternatives Program - Recommendations.....	23
APPROVED AS PRESENTED.....	32
Contested Case Appeal – Affordable Asbestos Removal, Inc.....	32
Appointment .....	33
DECISION UPHELD .....	37
2001 Legislative Initiatives.....	37
INFORMATION ONLY .....	38
2001 Legislation.....	38
INFORMATION ONLY.....	42
Memorandum of Agreement between the U.S. Army Corps of Engineers and the Department...42	
APPROVED AS PRESENTED.....	43
Amendment to Agreement with Windsor Technologies, Inc. for SPARS .....	43
APPROVED AS PRESENTED.....	46

F	46	
		APPROVED AS PRESENTED.....47
Proposed Rule Change allowing producers to apply manure without an approved manure management plan until June 30, 2002.....	47	
		APPROVED AS PRESENTED.....48
Referrals to the Attorney General .....	48	
		REFERRED.....48
Monthly Reports .....	48	
		INFORMATIONAL ONLY.....65
Temporal and Spatial Patterns of Nutrients in Iowa Streams .....	65	
		INFORMATION ONLY.....68
Status of Rulemaking for the Onsite Revolving Loan Fund.....	68	
		INFORMATION ONLY.....69
Proposed Rule, Chapter 61, Water Quality Standards.....	69	
		INFORMATION ONLY.....70
General Discussion .....	70	
Next Meeting Dates .....	71	
Adjournment .....	71	



## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, November 20, 2000, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Lisa Davis Cook  
Darrell Hanson  
Rozanne King  
Gary Priebe  
Terrance Townsend, Chair  
Rita Venner, Secretary

### MEMBERS ABSENT

Randal Giannetto  
Kathryn Murphy, Vice-Chair

Randal Giannetto called to say he would not be able to attend due to a business conflict.  
Kathryn Murphy called to say she would not be able to attend due to a business conflict.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Doug Herman, Attorney for Affordable Asbestos 11:00 am
- Add: 2001 Legislation as Item 8a.

*Motion was made by Rita Venner to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS AMENDED**

### APPROVAL OF MINUTES

*Motion was made by Rozanne King to approve the minutes as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Interim Director Lyle Asell said this is the time of year that we work on the budget and proposed legislation, which continues to take a lot of time. Along those lines the Governor has set up six Enterprise Planning Teams and will be holding a series of meetings around the state to accept the recommendations of those planning teams. The Department chairs the team for environment, and that meeting will be in Mason City on December 6, at the public library. He said he would like to encourage the Commissioners to attend if possible.

## FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations' FY 01 first quarter financial status report by division. This report contains actual expenditure information for FY 01 through September 30, 2000. All Divisions are within their general fund budgets at this time with the exception of Parks. Parks is showing a small general fund deficit (\$23,000).

### Iowa Department Of Natural Resources Financial Status Report

TOTAL DEPARTMENT THROUGH SEPTEMBER 30, 2000	FY 01 BUDGET	FY 01 BUDGET THRU SEPT	FY 01 ACTUAL THRU SEPT	01 BUDGET LESS ACTUAL 01
<b>RESOURCES</b>				
General Fund	\$17,842,133	\$4,568,097	\$4,120,984	\$447,113
Park Officer Retirements	\$0	\$0	\$0	\$0
Federal	\$15,148,046	\$3,495,703	\$2,034,106	\$1,461,597
Administration Fund	\$445,000	\$102,692	\$102,692	\$0
Conservation Fund	\$4,673,311	\$1,078,456	\$1,078,456	\$0
Other Funds	\$14,389,437	\$3,320,639	\$2,044,640	\$1,276,000
Groundwater Fund	\$3,881,415	\$895,711	\$597,893	\$297,818
Fish and Wildlife Trust Fund	\$26,183,240	\$6,042,286	\$5,687,238	\$355,049
<b>TOTAL RESOURCES</b>	<b>\$82,562,582</b>	<b>\$19,503,586</b>	<b>\$15,666,009</b>	<b>\$3,837,577</b>
<b>EXPENDITURES</b>				
Personnel	\$48,398,379	\$11,168,857	\$9,543,671	\$1,625,186
Extra Help	\$3,494,937	\$1,257,206	\$1,373,217	(\$116,011)
Support	\$16,125,133	\$3,721,185	\$3,681,466	\$39,718
Contracts	\$11,181,047	\$2,580,242	\$662,991	\$1,917,251
Equipment	\$3,363,086	\$776,097	\$404,663	\$371,434
<b>TOTAL EXPENDITURES</b>	<b>\$82,562,582</b>	<b>\$19,503,586</b>	<b>\$15,666,008</b>	<b>\$3,837,577</b>

ADMINISTRATIVE SERVICES THROUGH SEPTEMBER 30, 2000	FY 01 BUDGET	FY 01 BUDGET THRU SEPT	FY 01 ACTUAL THRU SEPT	01 BUDGET LESS ACTUAL 01
<b>RESOURCES</b>				
General Fund	\$1,643,486	\$379,266	\$193,402	\$185,864
Federal	\$833,486	\$192,343	\$130,348	\$61,995
Fish and Wildlife	\$2,129,741	\$491,479	\$513,836	(\$22,357)
Groundwater Fund	\$235,004	\$54,232	\$40,866	\$13,366
REAP	\$666,337	\$153,770	\$154,891	(\$1,121)
Marine Fuel Tax	\$253,533	\$58,508	\$60,392	(\$1,884)
Infrastructure	\$222,765	\$51,407	\$53,089	(\$1,682)
Other	\$640,675	\$147,848	\$94,905	\$52,943
<b>TOTAL RESOURCES</b>	<b>\$6,625,027</b>	<b>\$1,528,852</b>	<b>\$1,241,729</b>	<b>\$287,123</b>
<b>EXPENDITURES</b>				
Personnel	\$4,564,990	\$1,053,459	\$919,377	\$134,082
Extra Help	\$205,836	\$47,501	\$54,764	(\$7,263)

Support	\$1,482,301	\$342,069	\$225,942	\$116,128
Contracts	\$40,000	\$9,231	\$3,425	\$5,806
Equipment	\$331,900	\$76,592	\$38,221	\$38,371
<b>TOTAL EXPENDITURES</b>	<b>\$6,625,027</b>	<b>\$1,528,852</b>	<b>\$1,241,729</b>	<b>\$287,124</b>

<b>DIRECTOR'S OFFICE THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$682,651	\$157,535	\$108,824	\$48,711
Federal	\$542,333	\$125,154	\$108,693	\$16,461
Fish and Wildlife	\$359,830	\$83,038	\$85,568	(\$2,530)
Administration Fund	\$445,000	\$102,692	\$102,692	\$0
Groundwater Fund	\$130,661	\$30,153	\$20,181	\$9,972
Other	\$254,530	\$58,738	\$71,486	(\$12,748)
<b>TOTAL RESOURCES</b>	<b>\$2,415,005</b>	<b>\$557,309</b>	<b>\$497,444</b>	<b>\$59,865</b>
<b>EXPENDITURES</b>				
Personnel	\$1,332,519	\$307,504	\$263,756	\$43,748
Extra Help	\$86,799	\$20,031	\$28,753	(\$8,722)
Support	\$942,274	\$217,448	\$181,657	\$35,791
Contracts	\$0	\$0	\$0	\$0
Equipment	\$53,413	\$12,326	\$23,278	(\$10,952)
<b>TOTAL EXPENDITURES</b>	<b>\$2,415,005</b>	<b>\$557,309</b>	<b>\$497,444</b>	<b>\$59,865</b>

<b>ENERGY AND GEOLOGY THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$2,004,683	\$462,619	\$351,162	\$111,457
Federal	\$2,983,348	\$688,465	\$294,043	\$394,422
Oil Overcharge	\$238,183	\$54,965	\$38,390	\$16,575
Bonding Programs	\$216,728	\$50,014	\$46,142	\$3,872
Groundwater Fund	\$243,984	\$56,304	\$55,306	\$998
Other	\$189,405	\$43,709	\$17,815	\$25,894
<b>TOTAL RESOURCES</b>	<b>\$5,876,331</b>	<b>\$1,356,076</b>	<b>\$802,858</b>	<b>\$553,218</b>
<b>EXPENDITURES</b>				
Personnel	\$3,249,972	\$749,994	\$641,021	\$108,973
Extra Help	\$36,918	\$8,520	\$4,108	\$4,412
Support	\$610,225	\$140,821	\$77,019	\$63,802
Contracts	\$1,749,070	\$403,632	\$61,905	\$341,727
Equipment	\$230,146	\$53,111	\$18,805	\$34,306
<b>TOTAL EXPENDITURES</b>	<b>\$5,876,331</b>	<b>\$1,356,076</b>	<b>\$802,858</b>	<b>\$553,218</b>

<b>ENVIRONMENTAL PROTECTION THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$5,212,753	\$1,202,943	\$1,111,005	\$91,938
Federal	\$8,591,756	\$1,982,713	\$1,096,937	\$885,776
Air Contaminant Fees	\$6,575,485	\$1,517,420	\$926,885	\$590,535
Groundwater Fund	\$678,471	\$156,570	\$108,072	\$48,498
Water Protection Fund	\$2,206,131	\$509,107	\$145,363	\$363,744
Operator Certification Fees	\$344,541	\$79,509	\$17,555	\$61,954
Manure Certification Program	\$77,825	\$17,960	\$246	\$17,714
Stormwater Permit Fees	\$564,438	\$130,255	\$78,842	\$51,413
Well Contractor Fees	\$59,714	\$13,780	\$7,295	\$6,485
Water Supply Lab. Cert. Fees	\$149,446	\$34,488	\$6,694	\$27,794
<b>TOTAL RESOURCES</b>	<b>\$24,460,560</b>	<b>\$5,644,745</b>	<b>\$3,498,894</b>	<b>\$2,145,851</b>
<b>EXPENDITURES</b>				
Personnel	\$12,126,695	\$2,798,468	\$2,383,387	\$415,081
Extra Help	\$0	\$0	\$0	\$0
Support	\$3,214,777	\$741,872	\$476,718	\$265,154

Contracts	\$8,005,052	\$1,847,320	\$486,739	\$1,360,581
Equipment	\$1,114,036	\$257,085	\$152,050	\$105,035
<b>TOTAL EXPENDITURES</b>	<b>\$24,460,560</b>	<b>\$5,644,745</b>	<b>\$3,498,894</b>	<b>\$2,145,851</b>

<b>FISH AND WILDLIFE THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$23,693,669	\$5,467,770	\$5,087,834	\$379,936
Corps Condition 5 Funds	\$388,656	\$89,690	\$64,836	\$24,854
<b>TOTAL RESOURCES</b>	<b>\$24,082,325</b>	<b>\$5,557,460</b>	<b>\$5,152,670</b>	<b>\$404,790</b>
<b>EXPENDITURES</b>				
Personnel	\$16,125,680	\$3,721,311	\$3,251,020	\$470,291
Extra Help	\$1,086,067	\$250,631	\$341,440	(\$90,809)
Support	\$5,217,672	\$1,204,078	\$1,399,602	(\$195,523)
Contracts	\$615,516	\$142,042	\$43,008	\$99,034
Equipment	\$1,037,390	\$239,398	\$117,600	\$121,798
<b>TOTAL EXPENDITURES</b>	<b>\$24,082,325</b>	<b>\$5,557,460</b>	<b>\$5,152,670</b>	<b>\$404,790</b>

<b>FORESTRY THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$1,815,460	\$418,952	\$386,871	\$32,081
Federal	\$473,000	\$109,154	\$109,154	(\$0)
Forestry Enhancement Fund	\$304,957	\$70,375	\$58,684	\$11,691
Forestry Receipts	\$932,000	\$215,077	\$215,077	(\$0)
Other	\$93,500	\$21,577	\$372	\$21,205
<b>TOTAL RESOURCES</b>	<b>\$3,618,917</b>	<b>\$835,135</b>	<b>\$770,158</b>	<b>\$64,977</b>
<b>EXPENDITURES</b>				
Personnel	\$2,431,194	\$561,045	\$469,928	\$91,117
Extra Help	\$141,096	\$32,561	\$41,584	(\$9,023)
Support	\$936,509	\$216,117	\$253,581	(\$37,463)
Contracts	\$8,500	\$1,962	\$14	\$1,948
Equipment	\$101,618	\$23,450	\$5,051	\$18,399
<b>TOTAL EXPENDITURES</b>	<b>\$3,618,917</b>	<b>\$835,135</b>	<b>\$770,158</b>	<b>\$64,977</b>

<b>PARKS PRESERVES AND RECREATION THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$6,483,100	\$1,946,782	\$1,969,720	(\$22,938)
Park Officer Retirement	\$0	\$0	\$0	\$0
Federal	\$282,364	\$65,161	\$36,630	\$28,531
Park Receipts	\$3,741,311	\$863,379	\$863,379	\$0
Infrastructure	\$127,053	\$29,320	\$27,197	\$2,123
Other	\$173,422	\$40,020	\$41,016	(\$996)
<b>TOTAL RESOURCES</b>	<b>\$10,807,250</b>	<b>\$2,944,663</b>	<b>\$2,937,942</b>	<b>\$6,721</b>
<b>EXPENDITURES</b>				
Personnel	\$5,532,108	\$1,276,640	\$1,067,803	\$208,837
Extra Help	\$1,773,987	\$860,064	\$860,064	(\$0)
Support	\$2,959,869	\$683,047	\$937,244	(\$254,197)
Contracts	\$208,777	\$48,179	\$38,331	\$9,848
Equipment	\$332,509	\$76,733	\$34,500	\$42,233
<b>TOTAL EXPENDITURES</b>	<b>\$10,807,250</b>	<b>\$2,944,663</b>	<b>\$2,937,942</b>	<b>\$6,721</b>

<b>WASTE MANAGEMENT THROUGH SEPTEMBER 30, 2000</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU SEPT</b>	<b>FY 01 ACTUAL THRU SEPT</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
Groundwater Fund	\$2,593,295	\$598,453	\$373,468	\$224,985



Federal	\$1,401,759	\$323,483	\$258,301	\$65,182
Groundwater Professional Regis.	\$46,216	\$10,665	\$9,458	\$1,207
Hazardous Waste Remedial Fund	\$391,623	\$90,375	\$67,766	\$22,609
Waste Tire Permitting	\$2,000	\$462	\$0	\$462
LUST Insurance Fund	\$75,000	\$17,308	\$32,600	(\$15,292)
Land Recycling Fund	\$31,600	\$7,292	\$8,041	(\$749)
Waste Volume Reduction Fund	\$76,000	\$17,538	\$2,598	\$14,940
Waste Tire Program	\$59,674	\$13,771	\$12,082	\$1,689
<b>TOTAL RESOURCES</b>	<b>\$4,677,167</b>	<b>\$1,079,346</b>	<b>\$764,314</b>	<b>\$315,032</b>
<b>EXPENDITURES</b>				
Personnel	\$3,035,221	\$700,436	\$547,379	\$153,057
Extra Help	\$164,234	\$37,900	\$42,504	(\$4,604)
Support	\$789,256	\$182,136	\$130,128	\$52,008
Contracts	\$526,382	\$121,473	\$29,145	\$92,328
Equipment	\$162,074	\$37,402	\$15,158	\$22,244
<b>TOTAL EXPENDITURES</b>	<b>\$4,677,167</b>	<b>\$1,079,346</b>	<b>\$764,314</b>	<b>\$315,032</b>

Linda Hanson said expenditures through September 30, 2000 were fairly in line with our general fund budget with the exception of the Parks Division. The small deficit in the Parks Division which was caused from support area expenses such as additional supplies, gas for vehicles, and Olsten temporary help, these are expected to fall back into place as the fiscal year moves forward. She said the Department does not see any major problems at this point.

<b>INFORMATIONAL ONLY</b>
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## **PETITION FOR RULEMAKING – MAYOR WILLIAM H. HARBOR, CITY OF HENDERSON**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the Notice of Intended Action proposing the revision of Chapter 567-111, Financial Assurance Requirements for Municipal Solid Waste Landfills by rescission and adoption of the revised chapter. The proposed new Chapter requires municipal solid waste landfills to set aside funds for closure and post closure as a primary means of financial assurance and also to implement a secondary financial assurance mechanism while the funds are being accumulated. The proposed amendment also adopts procedures for review of financial assurance instruments by the Department. The Chapter is reorganized to effectuate these changes. The proposed amendment is intended to satisfy the concerns raised in the Petition for Rulemaking filed by the City of Henderson on May 31, 2000. The Department intends this rule to become effective July 1, 2001.

### **DEPARTMENT OF NATURAL RESOURCES [567]**

#### **Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.304(8), the Department of Natural Resources hereby gives Notice of Intended Action to rescind Chapter 567-111 and adopt a new Chapter 567-111.

The proposed new Chapter 567-111 is a reorganization and amendment of the former chapter. The proposed new Chapter requires municipal solid waste landfills to set aside funds for closure and post closure as a primary means of financial assurance and also to implement a secondary financial assurance mechanism while the funds are being accumulated. The proposed amendment also adopts procedures for review of financial assurance instruments by the Department. The Chapter is reorganized to effectuate these changes. The proposed amendment is intended to satisfy the concerns raised in the Petition for Rulemaking filed by the City of Henderson on May 31, 2000. The Department intends this rule to become effective July 1, 2001.

Any interested person may make written suggestions or comments on the proposed rule within 35 days of the publication of this notice. Written comments should be directed to Jon Tack, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; fax (515) 281-8895. E-mail: [jon.tack@dnr.state.ia.us](mailto:jon.tack@dnr.state.ia.us)

A public hearing will be held on Tuesday, January 9, 2001, from 1:30 p.m. to 4:30 p.m. via ICN; originating in the Iowa Department of Economic Development, 200 East Grand Ave, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Sites to participate in the public hearing via ICN are: Northern Trails Area Education Agency 2,

9184B 265th Street, Clear Lake, IA 50428; Carnegie-Stout Public Library, 360 West 11th Street,

Dubuque, IA 52001; Spencer High School, 800 East 3<sup>rd</sup> Street, Spencer, IA 51301; Fort Dodge High School, 819 N 25<sup>th</sup> St., Fort Dodge, IA 50501; Iowa City Public Library, 123 South Linn Street, Iowa City, IA 52240; and Indian Hills Community College, 651 Indian Hills Drive, Ottumwa, IA 52501. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement section 455B.304(8) of the Code of Iowa.

#### Iowa Administrative Code

#### CHAPTER 111

#### FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS

**567—111.1(455B) Purpose.** The purpose of this chapter is to implement Iowa Code sections 455B.304(8) and 455B.306(8) by providing the criteria for establishing financial assurance for closure, postclosure care and corrective action at municipal solid waste landfills.

**567—111.2(455B) Applicability.** The requirements of this chapter apply to owners and operators of all municipal solid waste landfills (MSWLF) except owners or operators who are state or federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States.

**567—111.3(455B) Financial assurance for closure.**

**567 — 111.3(1)** The owner or operator must have a detailed written estimate certified by an Iowa licensed Professional Engineer, in current dollars, of the cost of hiring a third party to close the MSWLF in

accordance with the closure plan as required by 567—subrule 103.2(13) and subrule 102.12(10). Such estimate must be available at any time during the active life of the landfill. The owner or operator must submit to notify the department by December 31<sup>st</sup> of each year that the estimate and financial assurance documentation has been placed in the facility's official files.

- a. The cost estimate must equal the cost of closing the MSWLF at any time during the active life of the facility when the extent and manner of its operation would make closure the most expensive.
- b. During the active life of the MSWLF the owner or operator must annually adjust the closure cost estimate for inflation.
- c. The owner or operator must increase the closure cost estimate and the amount of financial assurance provided if changes to the closure plan or MSWLF conditions increase the maximum cost of closure at any time during the remaining active life of the facility. ~~The amount of the financial assurance must be increased to the level of the latest estimate each time the amount of the estimate is 10 percent or more above the amount of financial assurance provided.~~
- d. The owner or operator may reduce the amount of financial assurance for closure if the most recent estimate of the maximum cost of closure at any time during the active life of the facility is less than the amount of financial assurance currently provided. The owner or operator must submit to notify the department that the justification for the reduction of the closure cost estimate and the updated documentation required by subrule 111.3(3). the amount of financial assurance has been placed in the facility's official files.

**567 — 111.3(2)** The owner or operator of an MSWLF must establish financial assurance for closure in accordance with the criteria in this chapter. The owner or operator must provide continuous coverage for closure until released from this requirement by demonstrating compliance with 567—subrule 103.2(13) and subrule 102.12(10). Certification of compliance must be signed by the owner or operator and an Iowa licensed Professional Engineer and approved by the department.

**567—111.3(3)** The owner or operator of a sanitary landfill must verify that adequate financial assurance is in place in regard to closure. In order to comply with this rule, the owner or operator must comply with the following procedures:

- a. The owner or operator must submit a complete copy of the financial assurance instrument or the documents that establish the financial assurance instrument each year by December 31st. The documents submitted shall contain, but are not limited to, the amount of the financial assurance, the current balance on hand, and any projections of the balance expected at closure as required by sections 455B.306(8)"e" and 455B.306.6"c" of the Code of Iowa.
- b. The owner or operator must submit a complete updated copy of the estimate, certified by an Iowa licensed professional engineer, that forms the basis for the amount of financial assurance held by the owner or operator each year by December 31st.
- c. The financial assurance instrument must be in an amount equal to or greater than the third party estimate.
- d. The third party estimate submitted to the department must account for at least those factors determined by the Department to be minimal necessary costs for closure. The Department shall publish a list of these factors and update this list as necessary.
- e. The cost estimates contained in the third party estimate of closure costs must be accurate and reasonable when compared to the cost estimates used by other similarly situated landfills in Iowa.

**567 — 111.4(455B) Financial assurance for postclosure care.**

**567 — 111.4(1)** The owner or operator must have a detailed written estimate certified by an Iowa licensed Professional Engineer, in current dollars, of the cost of hiring a third party to conduct postclosure care for the MSWLF in compliance with the plan developed pursuant to 567—subrule 103.2(14) and subrule 102.12(10). The cost estimate must account for the total cost of conducting postclosure care, as described in the plan, for the entire postclosure care period. ~~The owner or operator must notify the department that the estimate has been placed in the facility's official files.~~

- a. The cost estimate for postclosure care must be based on the most expensive costs of that care during the entire postclosure care period.
- b. During the active life of the MSWLF and during the postclosure care period, the owner or operator must annually adjust the postclosure cost estimate for inflation.
- c. The owner or operator must increase the estimate and the amount of financial assurance provided if changes in the postclosure plan or MSWLF conditions increase the maximum cost of postclosure care. ~~The amount of the financial assurance must be increased to the level of the latest estimate each time the amount of the estimate is equal to or greater than 10 percent more than the amount of financial assurance provided.~~
- d. The owner or operator may reduce the estimate and the amount of financial assurance if the cost estimate exceeds the maximum cost of postclosure care remaining in the postclosure care period. The owner or operator must submit to notify the department ~~that~~ the justification for the reduction of the cost estimate and the updated documentation required by subrule 111.4(3). ~~the amount of financial assurance has been placed in the facility's official files.~~

**567 — 111.4(2)** The owner or operator of an MSWLF must establish financial assurance for the costs of postclosure care required by 567—subrule 103.2(14) and subrule 102.12(10). The owner or operator must provide continuous coverage for postclosure care until released from this requirement by demonstrating compliance with the postclosure plan and the closure permit. Certification of compliance must be signed by the owner or operator and an Iowa licensed Professional Engineer and approved by the department.

**567—111.4(3)** The owner or operator of a sanitary landfill must verify that adequate financial assurance is in place in regard to postclosure. In order to comply with this rule, the owner or operator must comply with the following procedures:

- a. The owner or operator must submit a complete copy of the financial assurance instrument or the documents that establish the financial assurance instrument each year by December 31st assurance, the current balance on hand, and any projections of the balance expected at closure as required by sections 455B.306(8)"e" and 455B.306.6"c" of the Code of Iowa.
- b. The owner or operator must submit a complete updated copy of the third party estimate that forms the basis for the amount of financial assurance held by the owner or operator.
- c. The financial assurance instrument must be in an amount equal to or greater than the third party estimate.
- d. The third party estimate submitted to the department must account for at least those factors determined by the Department to be minimal necessary costs for postclosure. The Department shall publish a list of these factors and update this list as necessary.
- e. The cost estimates contained in the third party estimate of closure costs must be accurate and reasonable when compared to the cost estimates used by other similarly situated landfills in Iowa.

**567—111.5(455B) Financial assurance for corrective action.**

**567—111.5(1)** An owner or operator required to undertake corrective action pursuant to 567—subrules 103.2(4) through 103.2(9), inclusive, must have a detailed written estimate prepared by an Iowa licensed Professional Engineer, in current dollars, of the cost of hiring a third party to perform the required corrective action. The estimate must account for the total costs of the activities described in the approved corrective action plan for the entire corrective action period. The owner or operator must submit to notify the department ~~that~~ the estimate and financial assurance documentation within 30 days of departmental approval of the corrective action plan. ~~has been placed in the facility's official files.~~

- a. The owner or operator must annually adjust the estimate for inflation until the corrective action program is completed.
- b. The owner or operator must increase the cost estimate and the amount of financial assurance provided if changes in the corrective action program or MSWLF conditions increase the maximum cost of corrective action. ~~The amount of financial assurance must be increased to the level of the latest estimate each time the amount of the estimate is equal to or greater than 10 percent more than the amount of financial assurance provided.~~

- c. The owner or operator may reduce the amount of the cost estimate and the amount of financial assurance provided if the estimate exceeds the maximum remaining costs of the remaining corrective action. The owner or operator must submit to notify the department that the justification for the reduction of the cost estimate and documentation of financial assurance. ~~amount of the financial assurance have been placed in the facility's official files.~~

**567—111.5(2)** The owner or operator of an MSWLF required to undertake a corrective action program must establish financial assurance for the most recent corrective action program by one of the mechanisms prescribed in 567—111.6 and, if necessary, one of the mechanisms prescribed in 567-111.7 567—111.6(455B), except 111.6(4). The owner or operator must provide continuous coverage for corrective action until released from financial assurance requirements by demonstrating compliance with the following:

- a. Upon completion of the remedy, the owner or operator must submit to the department a certification of compliance with the approved correction action plan ~~notify the director within 14 days. that a certification that the remedy has been completed in compliance with the requirements of the department has been placed in the facility's official files.~~ The certification must be signed by the owner or operator and by an Iowa licensed Professional Engineer. ~~a qualified groundwater scientist.~~
- b. Upon Departmental approval of ~~When, upon completion of the certification, the owner or operator determines that the corrective action remedy has been completed in accordance with the requirements of the department,~~ the owner or operator shall be released from the requirements for financial assurance for corrective action.

**567—111.6(455B) Primary Allowable financial assurance mechanisms.** The mechanisms used to demonstrate financial assurance must ensure that the funds necessary to meet the costs of closure, postclosure care, and corrective action for known releases will be available whenever they are needed. Owners or operators must choose from one of the two options provided by this rule for their primary financial assurance mechanism. ~~in subrules 111.6(1) to 111.6(10). The primary financial assurance mechanisms must satisfy the requirements of section 455B.306(8)"b".~~

**567—111.6(1) Trust fund.**

- a. An owner or operator may demonstrate financial assurance for closure, postclosure care and corrective action, whichever is applicable, by establishing a trust fund which conforms to the requirements of this subrule. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. A copy of the trust agreement must be submitted pursuant to 567 – subrule 111.3(3) and subrule 111.4(3) and placed in the facility's official files.
- b. Payments into the trust fund must be made annually by the owner or operator for ten year or over the remaining life of the MSWLF, whichever is shorter, in the case of a trust fund for the closure or postclosure care, or over one-half of the estimated length of an approved corrective action program in the case of a response to a known release. This is referred to as the "pay-in period."
- c. For a trust fund used to demonstrate financial assurance for closure or postclosure care, the first payment into the fund must be at least equal to the current cost estimate divided by the number of years in the pay-in period as defined in 111.6(1)"b." The amount of subsequent payments must be determined by the following formula:  $\text{Payment} = [\text{CE} - \text{CV}] / Y$  where CE is the current updated cost estimate for closure or postclosure care, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.
- d. For a trust fund used to demonstrate financial assurance for corrective action, the first payment into the trust fund must be at least one-half of the current cost estimate divided by the number of years in the corrective action pay-in period as defined in 111.6(1)"b." The amount of subsequent payments must be determined by the following formula:  $\text{Payment} = [\text{RB} - \text{CV}] / Y$  where RB is the most recent estimate of the required trust fund balance, which is the total cost that will be incurred during the second half of the corrective action period, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

- e. The initial payment into the trust fund must be made before the initial receipt of waste ~~or before April 9, 1997, whichever is later,~~ in the case of closure and postclosure care, or no later than 120 days after the corrective action plan has been approved by the department.
- f. If the owner or operator establishes a trust fund after having used one or more alternate mechanisms, the initial payment into that trust fund must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made as required by this subrule.
- g. The owner or operator, or other person authorized to conduct closure, postclosure care, or corrective action activities may request reimbursement from the trustee for closure, postclosure, or corrective action expenditures, including partial closure, as they are incurred. ~~these expenditures.~~ Requests for reimbursement will be granted by the trustee only if sufficient funds are remaining to cover the remaining costs of closure, postclosure care, or corrective action, and if justification and documentation of the cost are placed in the facility's official files. The owner or operator must submit to notify the department ~~that~~ documentation of the justification for reimbursement ~~has been placed in the facility's official files and that~~ and verification that the reimbursement has been received.

**567—111.6(28) Local government dedicated fund.** The owner or operator of a publicly owned MSWLF or local government serving as a guarantor may demonstrate financial assurance for closure, postclosure and corrective action, whichever is applicable, by establishing a dedicated fund or account that conforms to the requirements of this subrule. A dedicated fund will be considered eligible if it complies with "a" or "b" below, and all other provisions of this subrule, and documentation of this compliance has been submitted to the department. ~~meets one of the following requirements:~~

- a. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order to pay for closure, postclosure and corrective action costs, whichever is applicable, arising from the operation of the MSWLF and is funded for the full amount of coverage or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provided the remaining coverage; or
- b. The fund is dedicated by state constitutional provisions, or local government statute, charter, ordinance, or order as a reserve fund and is funded for no less than the full amount of coverage or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provided the remaining coverage.
- c. Payments into the dedicated fund must be made annually by the owner or operator for ten years or over the remaining life of MSWLF, whichever is shorter, in the case of a dedicated fund for the closure or postclosure care, over one-half of the estimated length of an approved corrective action program in the case of a response to a known release. This is referred to as the "pay-in period." The initial payment into the dedicated fund may be made before the initial receipt of waste ~~or before April 9, 1997, whichever is later,~~ in the case of closure and postclosure care, or no later than 120 days after the corrective action plan has been approved by the department.
- d. For a dedicated fund used to demonstrate financial assurance for closure and postclosure care, the first payment into the fund must be at least equal to the current cost estimate, divided by the number of years in the pay-in period as defined in this subrule. The amount of subsequent payments must be determined by the following formula:  $\text{Payment} = [\text{TF} - \text{CF}] / Y$  where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in period, and
- e. For a dedicated fund used to demonstrate financial assurance for corrective action, the first payment into the dedicated fund must be at least one-half of the current cost estimate, divided by the number of years in the corrective action pay-in period as defined in this subrule. The amount of subsequent payments must be determined by the following formula:  $\text{Payment} = [\text{RB} - \text{CF}] / Y$  where RB is the most recent estimate of the required dedicated fund balance, which is the total cost that will be incurred during the second half of the corrective action period, CF is the current amount in the dedicated fund, and Y is the number of years remaining in the pay-in period.

**567—111.7(455B) Secondary Financial Assurance Mechanisms.** Until the primary financial assurance mechanism has become fully funded, the owner or operator must supplement the primary financial assurance mechanism with a secondary financial assurance mechanism in an amount equal to the difference between the cost of closure, postclosure, or corrective action and the current balance of the primary financial assurance mechanism.

**567—111.7(1) ~~111.6(2)~~ Surety bond.**

- a. An owner or operator may demonstrate financial assurance for closure or postclosure care by obtaining a payment or performance surety bond which conforms to the requirements of this subrule. An owner or operator may demonstrate financial assurance for corrective action by obtaining a performance bond which conforms to the requirements of this subrule. The bond must be effective before the initial receipt of waste or before April 9, 1997, whichever is later, in the case of closure and postclosure care, or no later than 120 days after the corrective action plan has been approved by the department. The owner or operator must submit a copy of the bond to notify the department that a copy of the bond has been placed in the facility's official files. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.
- b. The penal sum of the bond must be in an amount at least equal to the current closure, postclosure or corrective action cost estimate, whichever is applicable.
- c. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond and also upon notice from the department pursuant to paragraph "f" of this subrule.
- d. The owners or operators must establish a standby trust fund. The standby trust fund must meet the requirements of subrule 111.6(1) except the requirements for initial payment and subsequent annual payments specified in 111.6(1) "b" through "f."
- e. Payment made under the terms of the bond will be deposited by the surety directly into the standby trust fund. Payments from the trust fund must be approved by the trustee and the department.
- f. Under the terms of the bond, the surety may only cancel the bond by sending notice of intent to cancel cancellation by certified mail to the owner and operator and to the department 120 days in advance of the cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternate financial assurance, notice from the surety of withdrawal of the cancellation, or proof of a deposit into the standby trust of a sum equal to the amount of the bond. If the owner or operator has not complied with this rule within the 60 day time period, this shall constitute a failure to perform and the department shall notify the surety, prior to the expiration of the 120 day notice period, that such a failure has occurred. If the surety cancels the bond, the owner or operator must obtain alternate financial assurance as specified in this subrule.
- g. The bond must be conditioned upon faithful performance by the owner or operator of all closure, postclosure, or corrective action requirements of the Code of Iowa and the rules adopted by the department. A failure to comply with subrule 111.7(1)"f" shall also constitute a failure to perform under the terms of the bond.
- h. Liability under the bond shall be for the duration of the operation, closure, and postclosure period.

**567—111.7(2) ~~111.6(3)~~ Letter of credit.**

- a. An owner or operator may demonstrate financial assurance for closure, postclosure care, and corrective action, whichever is applicable, by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subrule. The letter of credit must be effective before the initial receipt of waste or before April 9, 1997, whichever is later, in the case of closure and postclosure care, or no later than 120 days after the corrective action plan is approved by the department. The owner or operator must submit to notify the department that a copy of the letter of credit has been placed in the facility's official files. The issuing institution must be an entity

which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

- b. A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the name and address of the facility, and the amount of funds assured, must be included with the letter of credit in the facility's official files.
- c. The letter of credit must be irrevocable and issued for a period of at least one year in an amount at least equal to the current cost estimate for closure, postclosure or corrective action, whichever is applicable. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by certified mail to the owner or operator and the department 120 days in advance of cancellation. If the letter of credit is canceled by the issuing institution, the owner or operator must obtain alternate financial assurance.

**567—111.7(3) 111.6(4) Insurance.**

- a. An owner or operator may demonstrate financial assurance for closure and postclosure care by obtaining insurance which conforms to the requirements of this subrule. The insurance must be effective before the initial receipt of wastes ~~or before April 9, 1997, whichever is later.~~ At the minimum, the insurer must be authorized to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in Iowa. The owner or operator must submit to notify the department ~~that~~ a copy of the insurance policy ~~has been placed in the facility's official files.~~
- b. The closure or postclosure care insurance policy must guarantee that funds will be available to close the MSWLF whenever final closure occurs or to provide postclosure care when the postclosure period begins. The policy must also guarantee that once closure or postclosure care begins, the insurer will be responsible for the paying out of funds to the owner or operator or other person authorized to conduct the closure or postclosure care, up to an amount equal to the face amount of the policy.
- c. The insurance policy must be issued for a face amount at least equal to the current cost estimate for closure or postclosure care, whichever is applicable. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- d. An owner or operator, or any other person authorized to conduct closure or postclosure care, may receive reimbursements for those expenditures. Requests for reimbursement will be granted by the insurer only if the remaining value of the policy is sufficient to cover the remaining costs of closure or postclosure care, and if justification and documentation of the cost is placed in the facility's official files. The owner or operator must notify the department that the documentation of the justification for reimbursement has been placed in the facility's official files and that reimbursement has been received.
- e. Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided that such consent is not unreasonably refused.
- f. The insurance policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner and operator and to the department 120 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternate secondary financial assurance, notice from the surety of withdrawal of the cancellation, or proof of a deposit into the primary financial assurance account of a sum equal to the amount of the insurance coverage. ~~If the insurer cancels the policy, the owner or operator must obtain alternate financial assurance required by this subrule.~~



- g. For insurance policies providing coverage for postclosure care, commencing on the date that liability to make payment pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week treasury securities.

**567—111.7(4) 411.6(5) Self-insurance.**

- a. An owner or operator may demonstrate financial assurance for closure, postclosure care and corrective action, whichever is applicable, by demonstrating the ability to pass the financial test as specified in this subrule. Documentation of this demonstration shall be submitted to the department ~~The demonstration must be placed in the facility's official files before the initial receipt of waste or before April 9, 1997, whichever is later, in the case of closure and postclosure care, or no later than 120 days after the corrective action plan has been approved by the department.~~
- b. An owner or operator may demonstrate financial assurance by submitting the following to the department ~~maintaining the following in the facility's official files:~~
  - (1) Unsubordinated debentures with market value equal to or exceeding the sum of the current closure, postclosure or corrective action estimates, whichever is applicable.
  - (2) A letter signed by the chief financial officer certifying that the owner or operator passes all of the following tests:
    1. (total liabilities) (net worth) = less than 2.0
    2. (cash flow) (total liabilities) = greater than 0.1
    3. (current assets) (current liabilities) = greater than 1.5
    4. Net working capital and tangible net worth at least six times the current cost estimates for the facility
    5. Tangible net worth of at least \$10 million and
    6. Assets in the United States equal to at least 90 percent of the owner's or operator's total assets or at least six times the current cost estimates for all owner-operated facilities.
  - (3) As an alternative to 567—111.7(4)"b"2 411.6(5)"b"(2) the owner or operator may substitute a current rating for its most recent bond issue which must be of AAA, AA, A or BBB as issued by Standard & Poor's or Aaa, Aa, A or Baa as issued by Moody's and the owner or operator shall obtain a special report from a independent certified public accountant certifying the validity of:
    1. The latest financial statement;
    2. The data used to pass the financial test; and
    3. The valuation of the bonds submitted as collateral.
  - (4) A copy of the owner's or operator's financial statements for the latest completed fiscal year with an independent certified public accountant's report on examination of the financial statements.
- c. An owner or operator may demonstrate financial assurance by obtaining a written corporate guarantee from a parent corporation provided the following conditions are met:
  - (1) The parent corporation must be the entity that issues the bonds that serve as the basis for the self-insurance.
  - (2) The guarantor must meet the requirements for facility owners or operators in this subrule.
  - (3) The terms of the corporate guarantee must ensure that:
    - The guarantor will perform closure, postclosure or corrective action in accordance with the appropriate plan or permit if the owner or operator fails to do so when required, or the guarantor may establish a trust for that purpose in the name of the owner or operator.
    - The guarantee remains in effect for at least 120 days after notifying the owner or operator of the intent to cancel the guarantee. The guarantor is responsible for obtaining a receipt from the owner or operator verifying the delivery of the notice to cancel.
    - If, subsequent to receiving the notice to cancel, the owner or operator fails to provide alternate financial assurance as specified in this rule, the guarantor shall provide alternate financial assurance in the name of the owner or operator.
    - The bonds used to demonstrate financial assurance are readily salable in secondary bond markets and their market value equals or exceeds the current cost estimates for closure, postclosure or corrective action, whichever is applicable.

- d. If the sum of the current cost estimates for closure, postclosure care, and corrective action, whichever is applicable, changes, the owner or operator shall compare the new estimate with the most recent annual valuation of the bonds held pursuant to this subrule. If the total market value of the bonds is less than the amounts of the new estimates, the owner or operator shall, within 60 days after the change in the cost estimates, send notice to the director that other bonds are maintained to make up the deficiency or the owner or operator shall establish other financial assurance mechanisms as specified in this section. If other bonds are relied upon, the notice to the director must be accompanied by an independent certified public accountant's report that the new issues have a market value that equals or exceeds the amount of the deficiency.
- e. If during the operating life of the facility, the market value of the bonds held pursuant to this section exceeds the sum of the current cost estimates by an amount greater than the market value of any single bond, the owner or operator may decrease the amount of the bonds maintained by the excess amount.
- f. The use of self-insurance is not allowed if:
  - (1) The accountant's report required by this subrule includes an adverse opinion or a disclaimer of opinion;
  - (2) The report includes qualifications that relate to the numbers that are used in the financial test; or
  - (3) In light of the qualifications, the owner or operator has failed to demonstrate that it meets the financial test.

**567—111.7(5) 111.6(6) Bond rating test.**

- a. An owner or operator may demonstrate financial assurance for closure, postclosure and corrective action, whichever is applicable, by having a currently outstanding issue or issues of general obligation bonds of \$1 million or more, excluding refunded obligations, with an unenhanced Moody's rating of Aaa, Aa, A, or Baa, or an unenhanced Standard & Poor's rating of AAA, AA, A, or BBB. The demonstration must be placed in the facility's official files before the initial receipt of waste or before, April 9, 1997, whichever is later, in the case of closure and postclosure care, or no later than 120 days after the corrective action plan has been approved by the department.
- b. The owner or operator must submit to the department ~~maintain in the facility's records file~~:
  - (1) A copy of a dated bond rating certification signed by a representative from the bond rating agency.
  - (2) A copy of a letter signed by the chief financial officer of the owner or operator or guarantor certifying compliance with the bond rating test.

**567—111.7 (6) 111.6(7) Local government guaranty.** The owner or operator of an MSWLF may demonstrate financial assurance for closure, postclosure and corrective action, whichever is applicable, by submitting to the department ~~obtaining~~ a written guaranty certifying compliance with the following:

- a. The guarantor is a local government having a substantial governmental relationship with the owner and operator pursuant to and in furtherance of the objectives of an agreement between said parties entered into under Iowa Code chapter 28E.
- b. The guaranty is issued as an act incident to that relationship.
- c. A local government acting as the guarantor must:
  - (1) Demonstrate that it meets the bond rating test requirement of this rule and deliver a copy of the chief financial officer's letter described in 567—subrule 111.7(5)~~111.6(6)~~<sup>(b)(2)</sup> to the owner or operator of the MSWLF; or
  - (2) Demonstrate that it meets the local government dedicated fund test of this rule.
- d. The terms of the guaranty must provide:
  - (1) If the owner or operator of a facility covered by the guaranty fails to perform closure or postclosure care or corrective action in accordance with the appropriate plan or permit whenever required to do so, the guarantor shall do so or establish a standby trust fund in the name of the owner or operator.

(2) The guaranty remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and the director. Cancellation may not occur, however, during 120 days beginning on the date of receipt of the notice of cancellation by the director, as evidenced by the return receipt.

(3) If the owner or operator fails to provide alternate financial assurance as specified in this rule, the guarantor shall provide alternate financial assurance in the name of the owner or operator.

- e. The owner or operator must submit a copy of the guaranty to the department and maintain the guaranty in the facility's official files. The guaranty must be submitted to the department ~~placed in the facility's official files~~ before the initial receipt of waste ~~or before April 9, 1997, whichever is later~~, in the case of closure and postclosure care, or no later than 120 days after the corrective action plan has been approved by the department.

### **567—111.8(455B) General Requirements**

**567—111.8 (1) ~~111.6(9)~~** *Use of multiple financial mechanisms.* An owner or operator may satisfy the requirements of this rule by establishing more than one financial mechanism per facility. The mechanisms must be a combination of those mechanisms outlined in this chapter and must provide financial assurance for an amount at least equal to the current cost estimate for closure, postclosure or corrective action, whichever is applicable. The financial test and a guarantee provided by a corporate parent, sibling or grandparent may not be combined if the financial statements of the two firms are consolidated.

**567—111.8(2) ~~111.6(10)~~** *Use of one mechanism for multiple facilities.* An owner or operator may satisfy the requirements of this rule for multiple MSWLFs by the use of one mechanism if the owner or operator ensures that the mechanism provides financial assurance for an amount at least equal to the current cost estimates for closure, postclosure and corrective action, whichever is applicable, for all MSWLFs covered.

**567—111.8(3) ~~111.6(11)~~** *Criteria.* The language of the mechanisms listed in this rule must ensure that the instruments satisfy the following criteria:

- a. The financial assurance mechanisms must ensure that the amount of funds assured is sufficient to cover the costs of closure, postclosure, and corrective action for known releases, whichever is applicable;
- b. The financial assurance mechanisms must ensure that funds will be available in a timely fashion when needed;
- c. The financial assurance mechanisms must be obtained by the owner or operator ~~by April 9, 1997,~~ ~~or~~ prior to the initial receipt of solid waste, whichever is later, and no later than 120 days after the corrective action remedy has been approved by the department until the owner or operator is released from the financial assurance requirements; and
- d. The financial assurance mechanisms must be legally valid, binding, and enforceable under Iowa law. These rules are intended to implement Iowa Code sections 455B.304 and 455B.306.

[Filed 7/1/94, Notice 3/16/94—published 7/20/94, effective 8/24/94]

[Filed emergency 5/19/95—published 6/7/95, effective 5/19/95]

CHAPTERS 112 to 116

Reserved

*Motion was made by Darrell Hanson to remove this item from the table. Seconded by Rozanne King. Motion carried unanimously.*

**REMOVED FROM TABLE**

Liz Christiansen reviewed what had occurred in October's meeting. She said after careful consideration, the Department decided to push the review of the financial assurance rules up on

their agenda and address them immediately. To this end they have put together the above rule changes and have brought it before the Commission to request approval for a Notice of Intended Action. She said Jon Tack, an attorney for the Department would briefly explain the changes that were made and then she would like to invite Cindy Turkle who is the consultant for the City of Henderson to address the Commission on these changes.

Jon Tack said in response to the City of Henderson's petition for rulemaking the Department tried to put in place a system for review of all financial assurance mechanisms. The City of Henderson had asked the Department to look at the adequacy of surety bonds. As part of the changes in this chapter the Department intends to put in place a system where landfill owners or operators will submit their financial assurance mechanism for review to determine whether the mechanism is valid, whether the estimate they are basing the mechanism on is adequate and if the two meet. Therefore, the changes proposed for rule 111.3 (3) and rule 111.4 (3) are in response to the petition for rule making. The other major substantive change that has been made is the selection of two financial assurance mechanisms to be used by all municipal waste landfills in the state as their primary financial assurance mechanism. This would make all landfills put aside money each year toward the closure and post closure costs. All other financial assurance mechanisms previously allowed would be secondary and would be required to be put in place to cover the difference between what has been set aside and what the actual cost will be.

Cindy Turkle said she had reviewed these rule changes with Bill Harbor, Mayor of Henderson and although there were some additional changes that they would like to see implemented they were very pleased with the speed in which the Department responded to their petition.

Liz Christiansen said these rule changes would be going through the normal rule making process therefore making it possible for all interested parties to express their concerns. She said the Department does anticipate changes in the final rule after the public comment period.

Terry Townsend asked Mr. Hal Morton if he would like to address the commission on this issue now or wait until public participation period. Mr. Morton agreed to speak now.

Hal Morton, Executive Director of Des Moines County Regional Solid Waste Commission and ISOSWO Technical Committee commented on the Proposed Notice of Intended Action for the Iowa Administrative Code 567-111.

He said he appreciated the interest of the Department and the EPC in responding expeditiously to concerns about Chapter 111, raised last month by the City of Henderson and Mills County. Their concerns that the privately owned landfill in their area is profiting by transferring long term environmental liability onto the local governments by underpaying their financial assurance instrument and/or by utilizing a financial assurance instrument that could be effectively unenforceable are very serious. Their concerns could be translated into similar problems elsewhere in the state, especially where privately owned landfills exist.

Fixing the loopholes in Chapter 111 that have allowed this situation to arise is easy to support in concept. However, the changes proposed in the Notice of Intended Action before the Commission today also have implications for local governments and 28E agencies that own

landfills. The probable financial impact on such local governments is significant and requires much more deliberation than has been allowed by an expedited rule revision process.

He said responding to a local “brushfire” issue with a “shoot from the hip” rule revision is a bad precedent for policy making. For DNR staff to be able to enforce state regulation successfully, they need to have unambiguous rules, well grounded in statute, that are sound and fair in their structure and formulations. It also helps immensely if those rules have widespread support throughout the regulated community. The Waste Management Assistance Division has made considerable progress in recent years to employ a deliberative rule making strategy, involving the whole brain trust of the regulated community. This approach has resulted in better rules that are easier to interpret and enforce consistently, and that have buy-in and support from the regulated community. This approach has also reduced the likelihood of unintended adverse impacts on local governments and the environment that can arise when a rule is applied to unanticipated circumstances.

The existing Chapter 111 is hard to understand. In fact, the Department has made no real attempt to interpret details of the existing rule. Landfill owners and operators have been left to interpret the rules on their own, and to assure the Department that they have complied. Clearly this situation calls for change.

He said the Department’s concern that they have little or no expertise to review and approve financial assurance instruments demands attention. Cultivating in-house expertise, or else contracting out such review and interpretation to other state agencies or private contractors are options worth exploring.

Regardless of the option or options selected, such interpretation will be difficult because the terminology used in the financial assurance instrument (FAI) formulas is poorly defined. He said their independent auditor was able to come up with several widely divergent interpretations of the self-insurance financial test, based on different assumptions of what was meant by undefined terms in the existing (and proposed) rule.

Several of the mechanisms allowed in both the existing and proposed rules, including the self insurance financial test and the governmental bond rating test, have requirements that are cost prohibitive for virtually any local government in the state. These requirements need to be re-evaluated and modified to pertain to Iowa. In addition, new FAI (Financial Assurance Instrument) mechanisms may need to be developed, based on several already approved by EPA and other states, but not included in the Iowa rules.

The reason these changes cannot be postponed to a later and subsequent rulemaking is that the proposed rule before you changes the structure of FAI coverage for landfills. The proposed distinction of “primary” and “secondary” FAIs is new, and it appears that landfills will now be required to obtain a secondary FAI until such time as their primary FAI is fully funded. The concept of this change may be sound but will only be practical if most local governments can make use of the self-insurance financial test or the governmental bond rating mechanisms. Otherwise, the short-term financial impact on the local governments will be staggering.

If publicly owned landfills are forced to either close or raise their tipping fees to cover new FAI requirements, the result will be to drive the public waste stream to privately owned landfills in many areas or across state boundaries, reducing public control of the revenue sources for waste reduction and recycling programs.

Based on conversations with DNR staff, such adverse financial impact on local government is not the intention of the proposed rule. This illustrates the exact point I am trying to make. We need to slow down a little with the rule revision to allow careful consideration of the impacts of the rule changes, and to clarify and improve the existing terms and provisions so that they are workable in Iowa, and so that they minimize unintended adverse impacts.

While the formal rulemaking process allows for public comment, the consideration and incorporation of public comment by the Department in the short time frame dictated by the process limits the ability to successfully make major changes during the formal process. Using rulemaking process in this fashion reduces the ability of the regulated public to participate effectively. If the Department has heretofore felt unqualified to review and approve FAIs, then it is logical to conclude that greater expertise is to be found in the regulated community, where the responsibility for compliance has historically been placed. This expertise and experience should be utilized in revising Chapter 111.

The proposed rule in front of you has only been available to the regulated community for a week. This time frame has been inadequate to quantify the magnitude or latitude of financial impact on local governments. The remaining 45 days, spanning the holiday season, until the public hearing still does not provide enough time to review the proposed rules, develop recommended changes, and submit well-thought-out comments. Such deliberation is best accomplished through work groups discussions involving both the regulated community and Department staff.

An expedited rulemaking will become effective no sooner than 8 months from now, with a compliance date of greater than a year in the future. Allowing a couple of months on the front end to consider the serious financial ramifications for local governments, and to develop a much better rule revision will not seriously delay the remedy sought by the City of Henderson and Mills County. It will, however, be in the best interest of local governments throughout the state, the state's solid waste industry, and in the name of "good government".

He said he strongly urged the EPC to table the proposed Notice of Intended Action to allow for more thorough discussion and deliberation on this very important proposal. Because of the immediate concern that precipitated the proposed action, it may be appropriate to continue working on Chapter 111 as a higher priority than the other solid waste chapters in the queue. In other words, start the study group right away, so that a more thorough Notice of Intended Action can be initiated early in 2001. Such a minor delay will not have tremendous impact on the local concern, but will result in a much better rule revision.

Jon Tack said the Department shares some of Mr. Morton's concerns, in particular problems with the self-insurance and the bond rating test and the effect they will have on local governments. As part of the normal process of rulemaking the Department intends to respond to those concerns. The Department does anticipate that some changes will be made.

Mr. Tack said this was not an expedited rule making process, the Department is following the process that is required by law. If in fact the Department needs to delay the implementation of the final rule or table the final rule before publication, he said he felt that would be appropriate. To delay the notice however would not gain any advantage in regard to the concerns express by Mr. Morton. The Department had sent a copy of the proposal out approximately a week prior, and has already started to receive responses from interested parties. He asked that the Commission allow them to proceed at this point with publishing the notice to ensure that everyone is aware of the changes being considered and deal with any concerns about the implementation at the time that the final rule is proposed.

Cindy Turkle said she would like to remind everyone that the landfills have had to implement financial assurance for the last four years and have been aware of it for six years. She said even though there were some additional changes that needed to be made she felt there was adequate time to make those changes during the normal rule making process.

Discussion followed regarding the rule making process.

*Motion was made by Darrell Hanson to approve the Notice of Intended Action. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

Julie Bell, representing Iowa Acgrichemical Site Remediation Board addressed the Commission regarding concurrent rulemaking authority.

Julie Bell said her function today was as a member of the newly formed Agrichemcial Site Remediation Board of Iowa. She distributed a memo to the Environmental Protection Commission that the Board had written and then read the memo to the Commission.

She said the main purpose of her coming was to let the Commission know that the Board exists and they are aware of the fact that they have this concurrent rulemaking authority. She said Susan Dixon, a DNR staff member is also on the Board but was unable to be there.

Rozanne King asked what the purpose of the Board was.

Julie Bell stated their first purpose will be to develop the rules that will help establish the criteria for prioritizing the sites and develop a fee mechanism, they will then be responsible for reviewing applications from agrichemical facilities and develop a plan for cleanup.

Discussion followed regarding where their funding would be coming from.

Gary Priebe asked if the Department of Agriculture or Environmental Protection would have the final say.

Julie Bell answered that for Agrichemical Site Remediation it would be the Department of Agriculture.



Lengthy discussion followed.

Robert Mann, Iowa Water Pollution Control Association addressed the Commission regarding Item 15, Operator Certification Rules.

He said the Iowa Water Pollution Control Association (IWPCA) has supported the operator certification program and rules since their inception and they continue to support a strong operator certification program and the need for education and training of all plant and collection systems personnel. The IWPCA appreciates the Department's support of the operator certification program and the opportunity for IWPCA members to have meaningful input into the proposed rules. The IWPCA is pleased that changes were made in the proposed rules for continuation of double credit for directly related education and training for certification upgrade until January 1, 2006. This will allow those operators using the double credit provision to complete their studies and will also provide operators additional notice of the elimination of the double credit provision so they can plan accordingly. With these changes in the proposed rules, the IWPCA endorses the proposed operator certification rules and recommends the Commission adopt them as printed.

## **TOXIC CLEANUP DAYS AND HOUSEHOLD HAZARDOUS MATERIALS GENERAL EDUCATION GRANTS**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Provided for your information is a list of the counties selected to host a Toxic Cleanup Day in the spring of 2001 and a summary of the Household Hazardous Materials Education grant proposals received and selected for funding.

### **Toxic Cleanup Days, Spring 2001**

The Department received four (4) proposals and decided to fund all four. The division has negotiated an agreement for local cost share with each county based on the number of households in the county and the number of previous events it has hosted. The Department will pay the remainder of the disposal costs.

#### **Background**

Toxic Cleanup days are one day events to provide households and farms a safe and environmentally responsible way to dispose of household hazardous materials. It also provides an opportunity to educate the public about using safer alternatives, buying only what is needed, and safe use, storage, and disposal of household hazardous materials.

### **Events Selected for Spring 2001**

#### **Davis County Service Agency**

Davis County Maintenance Shop

Bloomfield Iowa  
Date to be announced  
Local share: \$2,351.25  
Department share: Not to exceed \$10,000.00

**Delaware County Solid Waste Disposal Commission**

Delaware County Fairgrounds  
Manchester Iowa  
**May 12, 2000**  
Local share: \$4791.75  
Department share: Not to exceed \$11,900.00

**Ottumwa/Wapello County Solid Waste Commission**

Greater Ottumwa Park  
Ottumwa Iowa  
May 19, 2000  
Local share: \$10,874.25  
Department share: Not to exceed \$34,600

**Palo Alto Emergency Management Agency**

Palo Alto County Fairgrounds  
Emmetsburg Iowa  
Date to be announced  
Local share: To be determined  
Department share: not to exceed \$13,500

**Household Hazardous Materials General Education Grants**

Household Hazardous Materials funding notices were mailed to county board of supervisors, council of governments, landfill operators, recycling coordinators, county boards of health, county emergency management coordinators and Regional Collection Centers throughout Iowa. The Department received four (4) household hazardous materials education proposals for review during the October 2000 round of funding.

**Background**

The Household Hazardous Materials General Awareness Grant Program provides grants to educate Iowans on the hazardous nature of certain household products, proper use of the products, and the proper methods of disposal of residual product and containers in order to protect the public health, safety, and the environment. This Program requires a 50% local match.

Waste Management Assistance Division staff conducted joint review of these proposals on October 26, 2000. The total amount requested was over \$49,000. However, due to budget constraints only \$10,000 could be awarded. One proposal was selected for funding.

**Selected proposal**

**Polk County Agricultural Extension District**

Amount of funding requested: \$10,680.00

Amount of matching funds committed: \$11,280.00

Total Program Costs: \$21,960.00

Project term: January 1, 2001 to December 31, 2001

**Project Description:** The contractor will increase awareness of integrated pest management (IPM) in several ways.

- ◆ integrating IPM education in their Master Gardener curriculum,
- ◆ including articles on IPM in their Master Gardener newsletters,
- ◆ distributing information on IPM from their booth at the farmers market and the state fair
- ◆ IPM demonstrations at the Master Gardener demonstration garden.
- ◆ entomologists from Pioneer will present workshops for the 4-H program.

The contractor will also educate the public on the use of safer alternatives by printing and distributing a pamphlet that was previously developed through an HHM General Awareness Grant.

### **Proposals not selected**

#### **Siouxland Regional Recycling Center**

- ◆ Develop and distribute a calendar that will give information on buying safer alternatives, buying only what is needed, and proper use, storage and disposal of household hazardous materials

#### **SEMCO Landfill**

- ◆ Work with the schools to educate kindergarten through 5<sup>th</sup> grade students in Keokuk, Washington and Jefferson counties on the effects household hazardous materials have on our health and the environment.

#### **Great River Waste Authority, Des Moines County Regional Solid Waste Commission, Lee County Health Department, and Henry County Health Department**

- ◆ Educational campaign designed to provide information to the residents of Des Moines, Lee and Henry counties on making sound purchasing decisions, proper use, storage and disposal of household hazardous materials

Liz Christiansen explained that the above item was provided to the Commission as information only at this time, however when they negotiate a contract for the collection of the hazardous materials the Department will bring it back the Commission for approval.

Gary Priebe suggested that the dates for these cleanups should not be scheduled during planting season for rural areas.

<b>INFORMATION ONLY</b>
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### **SOLID WASTE ALTERNATIVES PROGRAM - RECOMMENDATIONS**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received eighteen (18) pre-proposals, requesting over \$3,303,106 in financial assistance, for consideration during the October 2000 round of funding. Twelve (12) applicant projects were selected for further review. If approved they will receive approximately \$1,992,887 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of five persons representing the Waste Management Assistance Division (Tom Anderson, Amber Mayo), Iowa Society of Solid Waste Operations and the Iowa Recycling Association (Jeff Maxted and Jeff Myrom), and the Iowa Waste Exchange (Fred Kesten).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	4	\$883,123*	\$157,973
Private For Profit	5	\$532,952	\$112,452
Private Not For Profit	3	\$576,812	\$104,312
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	6	\$1,328,137*	\$179,237
Education	3	\$284,400	\$109,400
Market Development	3	\$380,350	\$86,100
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	5	\$135,425	\$135,425
Zero Interest loan only	0	\$0	\$0
Forgivable & Zero Interest Loan	5	\$944,812	\$199,312
Forgivable, Zero, 3% Interest loan	2	\$912,650*	\$40,000

\* Final award amount not yet finalized.

Final award amount negotiations continue with the Hardin County Solid Waste Disposal Commission. The final award amount will be known at the time the Commission meets in November.

At this time, the Department is requesting Commission approval to enter into a contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received.

#### **SOLID WASTE ALTERNATIVES PROGRAM**

**PROPOSAL RECOMMENDATIONS – OCTOBER 2000**

The Department received eighteen (18) pre-proposals, requesting over \$3,303,106 in financial assistance, for consideration during the October 2000 round of funding. Twelve (12) applicant projects were selected for further review. If approved they will receive approximately \$1,992,887 in a combination of forgivable loans, zero interest loans, and 3% interest loans. Final award amount negotiations continue with the Hardin County Solid Waste Disposal Commission. The final award amount will be known at the time the Commission meets in November.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those under \$25,000, and proposals received but not selected.

**PROPOSAL RECOMMENDATIONS: ABOVE \$25,000****BEST PRACTICES PROJECTS**

<b>City of Waterloo</b> <b>3577 Easton Street</b> <b>Waterloo, IA 50702</b>		<b>Forgivable Loan:</b> <b>\$48,573</b> <b>Zero Interest Loan:</b> <b>\$0</b> <b>3% Interest Loan:</b> <b>\$0</b> <b>Total Award Amount:</b> <b>\$48,573</b>
		<b>Cash Match:</b> <b>\$47,987</b> <b>In-Kind Match:</b> <b>\$1,000</b> <b>Local Match:</b> <b>\$48,987</b>
		<b>Total Project cost:</b> <b>\$97,560</b>
<b>Project Title:</b>	<b>Pilot Project for Automated Collection of Curbside Recyclable Materials and Yard Waste</b>	
<b>Contact:</b>	Richard Grimm 319-291-4455	
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	The applicant proposes to implement a one-year pilot program for fully automated curbside collection of recyclables and containerized yard waste. The project will divert an estimated 250 tons of recyclables from 1,110 households targeted for this pilot project. Recyclables and yard waste collection cost data will be compiled comparing it to the current recycling drop-off and yard waste bag systems to determine the most cost efficient program for community-wide implementation.	
<b>Target Area:</b>	City of Waterloo	
<b>Horizons Unlimited of Palo Alto County, Inc.</b> <b>3826 460<sup>th</sup> Ave.</b> <b>P.O. Box 567</b> <b>Emmetsburg, IA 50536</b>		<b>Forgivable Loan:</b> <b>\$64,312</b> <b>Zero Interest Loan:</b> <b>\$150,000</b> <b>3% Interest Loan:</b> <b>\$0</b> <b>Total Award Amount:</b> <b>\$214,312</b>

		<b>Cash Match:</b>	\$71,438		
		<b>In-Kind Match:</b>	\$553,000		
		<b>Local Match:</b>	\$624,438		
		<b>Total Project cost:</b>	\$838,750		
<b>Project Title:</b>	<b>Tri-County Regional Recycling Center</b>				
<b>Contact:</b>	Ronald C. Ludwig 712-852-2211				
<b>Project Type:</b>	Best Practices				
<b>Applicant:</b>	Private Not For Profit				
<b>Description:</b>	The applicant proposes to construct a 6,600 sq. ft. addition to expand and make improvements to the existing recycling center, including the purchase of a horizontal baler. The applicant's service area has steadily increased, currently serving a population of nearly 53,000. Most recently six communities now send their recyclables to the applicant for processing and marketing. This project will increase processing capacity to accommodate the expanded service area.				
<b>Target Area:</b>	Palo Alto, Pocahontas, Kossuth Counties, and part of Dickinson County				

<b>James M. Sweeney &amp; Associates, Inc.</b>		<b>Forgivable Loan:</b>	<b>\$20,000</b>		
<b>320 Le Claire St.</b>		<b>Zero Interest Loan:</b>	<b>\$126,250</b>		
<b>Davenport, IA 52803</b>		<b>3% Interest Loan</b>	<b>\$0</b>		
		<b>Total Award Amount:</b>	<b>\$146,250</b>		
		<b>Cash Match:</b>	\$48,750		
		<b>In-Kind Match:</b>	\$146,250		
		<b>Local Match:</b>	\$195,000		
		<b>Total Project cost:</b>	\$341,250		
<b>Project Title:</b>	<b>On-Site Document Destruction</b>				
<b>Contact:</b>	Jim Sweeney 319-323-5922				
<b>Project Type:</b>	Best Practices				
<b>Applicant:</b>	Private For Profit				
<b>Description:</b>	The applicant will purchase a truck equipped with a paper shredder to provide the area's first on-site document destruction service. More than 400 tons of high grade office paper is expected to be recycled in the first year of operation.				
<b>Target Area:</b>	Scott County & Contiguous Counties				

<b>Hardin County Solid Waste Disposal Commission</b>		<b>Forgivable Loan:</b>	<b>\$20,000</b>		
<b>20488 M Avenue</b>		<b>Zero Interest Loan:</b>	<b>\$150,000</b>		
<b>P.O. Box 425</b>		<b>3% Interest Loan</b>	<b>\$400,150</b>		
<b>Eldora, IA 50627</b>		<b>Total Award Amount:</b>	<b>*\$570,150</b>		
		<i>*Award under negotiation</i>			
		<b>Cash Match:</b>	\$307,050		
		<b>In-Kind Match:</b>	\$750,962		
		<b>Local Match:</b>	\$1,058,012		
				<b>*Under negotiation</b>	

<b>Total Project cost:</b>		<b>\$1,628,162</b>
<b>Project Title:</b>	<b>Expanded Recycling Collection and Recycling Center Modifications</b>	
<b>Contact:</b>	Joe Knight 641-939-5808	
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	The applicant will increase the quantity of recyclables collected and processed in Hardin County by providing curbside recycling collection to all communities in the County. The applicant will also implement unit based pricing for solid waste collection to these same communities. To accommodate the large influx of recyclables, additional processing equipment and modifications to the existing recycling center is necessary to expand capacity and eliminate throughput constraints. The applicant will process select recyclables on behalf of Grundy County. 2,250 ton per year diversion is expected.	
<b>Target Area:</b>	Hardin and Grundy Counties	

<b>Iowa Heartland RC&amp;D</b> <b>11730 SE 6<sup>th</sup> Ave.</b> <b>Runnells, IA 50237-1030</b>	<b>Forgivable Loan:</b>	<b>\$20,000</b>
	<b>Zero Interest Loan:</b>	<b>\$150,000</b>
	<b>3% Interest Loan</b>	<b><u>\$172,500</u></b>
	<b>Total Award Amount:</b>	<b><u>\$342,500</u></b>
	<b>Cash Match:</b>	\$199,500
	<b>In-Kind Match:</b>	<b><u>\$143,000</u></b>
	<b>Local Match:</b>	\$342,500
	<b>Total Project cost:</b>	<b>\$685,000</b>
<b>Project Title:</b>	<b>Recycled Urban Tree Service</b>	
<b>Contact:</b>	Jess J. Jackson Jr. 515-966-0044 or 0045	
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private Not For Profit	
<b>Description:</b>	The applicant will convert urban trees into finished lumber, firewood, and wood chips. Development of this project will create a business that is sustainable and can be duplicated throughout the state. 8,500 tons per year diversion is expected.	
<b>Target Area:</b>	Des Moines Metro	

### EDUCATIONAL PROJECTS

<b>Waste Commission of Scott County</b> <b>P.O. Box 563</b> <b>Buffalo, IA 52728</b>	<b>Forgivable Loan:</b>	<b>\$75,000</b>
	<b>Zero Interest Loan:</b>	<b>\$175,000</b>
	<b>3% Interest Loan</b>	<b><u>\$0</u></b>
	<b>Total Award Amount:</b>	<b><u>\$250,000</u></b>
	<b>Cash Match:</b>	\$355,000
	<b>In-Kind Match:</b>	<b><u>\$0</u></b>
	<b>Local Match:</b>	\$355,000

<b>Total Project Cost:</b>		<b>\$605,000</b>
<b>Project Title:</b>	<b>Education Center</b>	
<b>Contact:</b>	Kathy Morris 319-381-1300	
<b>Project Type:</b>	Education	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	The applicant proposes to build an education center that will be designed with sustainable building practices, including recycled content building products. The center will serve as the focal point for environmental education activities in Scott County serving the environmental education and meeting needs of students, teachers, civic groups, business, and governmental agencies.	
<b>Target Area:</b>	Scott County	

**MARKET DEVELOPMENT**

<b>Shodust Bedding</b> <b>210 First Street</b> <b>Randall, IA 50231</b>	<b>Forgivable Loan:</b>	<b>\$20,000</b>
	<b>Zero Interest Loan:</b>	<b>\$150,000</b>
	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$170,000</b>
	<b>Cash Match:</b>	<b>\$248,800</b>
<b>In-Kind Match:</b>		<b>\$5,000</b>
<b>Local Match:</b>		<b>\$253,800</b>
<b>Total Project Cost:</b>		<b>\$423,800</b>
<b>Project Title:</b>	<b>Shodust Bedding Colored Mulch Project</b>	
<b>Contact:</b>	Pat McCarville 515-328-2195	
<b>Project Type:</b>	Market Development	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	The applicant will expand current markets by coloring processed wood mulch. Colored mulch will be bagged and marketed to retail chains offering customers an alternative product. Nearly 4,000 tons of colored mulch will be marketed during the first year.	
<b>Target Area:</b>	Iowa and surrounding Midwestern states	

<b>Terril Plastics Molders Inc.</b> <b>203 Main St.</b> <b>Terril, IA 51364</b>	<b>Forgivable Loan:</b>	<b>\$20,000</b>
	<b>Zero Interest Loan:</b>	<b>\$144,250</b>
	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$164,250</b>
	<b>Cash Match:</b>	<b>\$54,750</b>
<b>In-Kind Match:</b>		<b>\$736,360</b>
<b>Local Match:</b>		<b>\$791,110</b>
<b>Total Project Cost:</b>		<b>\$955,360</b>
<b>Project Title:</b>	<b>ICF For the Upper Midwest</b>	



<b>Contact:</b>	Ron Zelinsky 712-853-6123
<b>Project Type:</b>	Market Development
<b>Applicant:</b>	Private for Profit
<b>Description:</b>	The applicant will use PET and HDPE plastic to produce plastic forms utilized in poured concrete construction of new homes and buildings. Concrete construction of homes and buildings is gaining popularity as technology improves and the cost of lumber continues to increase. Markets are lined up in the southwest and distribution networks are being finalized in Minnesota and Arkansas. Approximately 346 tons of PET and HDPE plastics will be used annually.
<b>Target Area:</b>	Iowa and nationally

<b>Chamness Technology, Inc.</b>	<b>Forgivable Loan:</b>	<b>\$46,100</b>
<b>2255 Little Wall Lake Road</b>	<b>Zero Interest Loan:</b>	<b>\$0</b>
<b>Blairsburg, IA 50034</b>	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$46,100</b>
	<b>Cash Match:</b>	<b>\$23,100</b>
	<b>In-Kind Match:</b>	<b>\$33,750</b>
	<b>Local Match:</b>	<b>\$56,850</b>
	<b>Total Project Cost:</b>	<b>\$102,950</b>
<b>Project Title:</b>	<b>Feasibility Study – Regional Co-Composting Facility</b>	
<b>Contact:</b>	Gary Chamness 515-325-6133	
<b>Project Type:</b>	Market Development	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	The applicant proposes to perform a feasibility study for the development of a sustainable, co-composting operation in Hardin County. The applicant will perform a full-scale pilot test to determine the viability of available organic materials. Organics targeted from residential, commercial, and industrial sources amount to 13,950 tons of diversion annually if the study proves economically viable.	
<b>Target Area:</b>	Hardin County and Surrounding Communities	

#### PROPOSAL RECOMMENDATIONS: BELOW \$25,000

#### BEST PRACTICES PROJECTS

<b>Network Imaging Solutions, Inc.</b>	<b>Forgivable Loan:</b>	<b>\$6,352</b>
<b>2235 W 76<sup>th</sup> St.</b>	<b>Zero Interest Loan:</b>	<b>\$0</b>
<b>Davenport, IA 52806</b>	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$6,352</b>
	<b>Cash Match:</b>	<b>\$2,117</b>
	<b>In-Kind Match:</b>	<b>\$0</b>
	<b>Local Match:</b>	<b>\$2,117</b>
	<b>Total Project cost:</b>	<b>\$8,470</b>

<b>Project Title:</b>	<b>Corrugated Cardboard and Bond Paper Recycling</b>
<b>Contact:</b>	Mike Strajack 319-391-3787
<b>Project Type:</b>	Best Practices
<b>Applicant:</b>	Private For Profit
<b>Description:</b>	The applicant will purchase and operate a baler to recycle corrugated cardboard and high-grade office paper for recycling. 70 tons diversion is expected in the first year.
<b>Target Area:</b>	Scott County

### **EDUCATIONAL PROJECTS**

<b>Delaware County Solid Waste Commission</b>	<b>Forgivable Loan:</b>	<b>\$14,400</b>
<b>301 East Main Street</b>	<b>Zero Interest Loan:</b>	<b>\$0</b>
<b>Manchester, IA 52057</b>	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$14,400</b>

<b>Cash Match:</b>	<b>\$8,945</b>
<b>In-Kind Match:</b>	<b>\$6,000</b>
<b>Local Match:</b>	<b>\$14,945</b>

**Total Project cost: \$29,345**

<b>Project Title:</b>	<b>Composting Project – “2001”</b>
<b>Contact:</b>	Jack Klaus 319-927-2526
<b>Project Type:</b>	Education
<b>Applicant:</b>	Local Government
<b>Description:</b>	The applicant, in coordination with five other service providers, will use a mixture of print, radio, billboard, and direct public awareness mailings in coordination with community presentations, school presentations, and door-to-door education to enhance backyard composting and recycling education. Increasing landfill diversion by a minimum of 200 tons per year is expected.
<b>Target Area:</b>	Delaware County

<b>Healthy Linn Care Network</b>	<b>Forgivable Loan:</b>	<b>\$20,000</b>
<b>866 1<sup>st</sup> Avenue NE</b>	<b>Zero Interest Loan:</b>	<b>\$0</b>
<b>P.O. Box 3026</b>	<b>3% Interest Loan</b>	<b>\$0</b>
<b>Cedar Rapids, IA 52406-3026</b>	<b>Total Award Amount:</b>	<b>\$20,000</b>

<b>Cash Match:</b>	<b>\$39,000</b>
<b>In-Kind Match:</b>	<b>\$12,000</b>
<b>Local Match:</b>	<b>\$51,000</b>

**Total Project cost: \$71,000**

<b>Project Title:</b>	<b>Mobile Household Hazardous Waste Safety Education</b>
<b>Contact:</b>	Ellen Habel, 319-892-5118

<b>Project Type:</b>	Education
<b>Applicant:</b>	Private Not For Profit
<b>Description:</b>	The applicant proposes to develop and use a mobile trailer unit to increase awareness among Iowans of the dangers of household hazardous waste and alert consumers to proper disposal methods and viable alternatives to hazardous products. The unit will consist of interchangeable displays to be used at schools, fairs and festivals, shopping centers, and other public gathering places or events.
<b>Target Area:</b>	Iowa - Statewide

**PROPOSALS RECEIVED, NOT RECOMMENDED**

<b>KTM Ltd.</b> 20013 St. Joseph Dr. Durango, IA 52039	<b>Total Request Amount:</b>	<b>\$115,600</b>
<b>Project Title:</b>	<b>Animal Bedding</b>	
<b>Contact:</b>	Phil Klein 319-552-2638	
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	Converting scrap lumber to animal bedding material.	
<b>Daniel R. Schroeder</b> 321 S. Lincoln Odebolt, IA 51458	<b>Total Request Amount:</b>	<b>\$38,250</b>
<b>Project Title:</b>	<b>"The Worm Factory"</b>	
<b>Contact:</b>	Daniel Schroeder 712-668-2897	
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	Purchase and renovate the building that is currently being used to raise worms.	
<b>Midwest Opportunities, Inc.</b> 2005 U.S. Highway 34 Corning, IA 50841	<b>Total Request Amount:</b>	<b>\$6,837</b>
<b>Project Title:</b>	<b>Hearts and Hugs Recycles</b>	
<b>Contact:</b>	Barbara Houck 641-322-4280	
<b>Project Type:</b>	Education	
<b>Applicant:</b>	Private Not For Profit	
<b>Description:</b>	Constructing a recycled content playground at a new daycare center.	
<b>Michael F. Lally</b> 1654 Delaware Ave. Lawton, IA 51030	<b>Total Request Amount:</b>	<b>\$234,000</b>
<b>Project Title:</b>	<b>Tire Recycling Centers USA Inc.</b>	
<b>Contact:</b>	Michael F. Lally 712-944-5768	
<b>Project Type:</b>	Market Development	

<b>Applicant:</b>	Private For Profit
<b>Description:</b>	Provide a service to collect and process scrap tires. Processed tires will be manufactured into various products.

<b>TJ's Plastic, Inc.</b> <b>461 Hwy 76</b> <b>Harpers Ferry, IA 52146</b>	<b>Total Request Amount:</b>	<b>\$500,000</b>
<b>Project Title:</b>		
<b>Contact:</b>	Paul Schmitt 319-586-2565	
<b>Project Type:</b>	Market Development	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	Purchasing and installing a plastic pelletizing unit to supply recycled-content pellets to contracted profilers and manufactures.	

<b>Livestock Services</b> <b>1012 Cedar</b> <b>Tipton, IA 52772</b>	<b>Total Request Amount:</b>	<b>\$25,000</b>
<b>Project Title:</b>		
<b>Contact:</b>	Ken McKay 319-886-6042	
<b>Project Type:</b>	Market Development	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	Converting eggshells, diatomaceous earth, and wet organics into a feed ingredient and fueling the dryer with alternative fuels including sawdust and coal dust.	

Liz Christiansen reviewed the item.

Brief discussion followed regarding the individual proposals.

*Motion was made by Darrell Hanson to approve Solid Waste Alternatives Program Recommendations as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **CONTESTED CASE APPEAL – AFFORDABLE ASBESTOS REMOVAL, INC.**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On June 25, 1999, the department issued Administrative Order No. 1999-AQ-15 to Affordable Asbestos Removal, Inc. The Order required compliance with asbestos NESHAPS rules and assessed a \$10,000 penalty. Affordable Asbestos appealed the Order, and the matter proceeded to administrative hearing on April 28, 2000. The Administrative Law Judge issued the attached Proposed Decision on June 2, 2000. The decision affirms the Order, with the exception of reducing the penalty to \$6,100.

Affordable Asbestos has appealed this decision to the Commission. The Proposed Decision and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of facts and conclusions of law based on your conclusions from your review of the record and legal argument.

Michael Murphy briefly reviewed the item. He said Doug Herman, attorney for Affordable Asbestos will present his arguments to the Commission, and Kelly Brabec, the Department attorney will respond. He explained to the Commission that their options were to either affirm the decision, modify it, or overturn it substituting their own findings of fact and conclusions of law. If they felt they needed more time the item could be tabled and a committee can be appointed to further review it.

### **APPOINTMENT**

Doug Herman, Attorney for Affordable Asbestos addressed the Commission regarding the Contested Case Appeal – Affordable Asbestos Removal, Inc.

Mr. Herman said he appreciated the opportunity to make a brief argument for his client. Affordable Asbestos did a removal project at the Kensington Senior Housing project in Fort Madison, Iowa. They were hired by the Kensington to remove asbestos containing material throughout the building however the specific area of concern in this case is the area of the building called the penthouse.

A lot of heating and cooling systems were located within the penthouse as well as numerous pipes. Most of the pipes in this area had asbestos containing coatings but they were hired only to remove the asbestos containing material from certain pipes. They completed the removal in the penthouse between March 31, 1998 and April 15, 1998.

When they completed the removal in the penthouse an independent third party consultant hired by the Kensington, with no tie to Affordable did a final visual clearance of the area and an air monitoring analysis. He said the air monitoring analysis is not recognized by NESHAP as a means for determining compliance with NESHAP, however the air monitoring results were within applicable standards and no debris was found by the third party consultant.

The following day, April 17, the DNR's inspector Marion Burnside was at the site. He was directed to the penthouse by Eric Snowden, a maintenance man who worked for Kensington. Mr. Snowden could not specifically tell Mr. Burnside which pipe coatings had been removed and which had not, because he was not allowed in the area during the removal nor was Affordable on site that day. Mr. Burnside looked through the penthouse and found some debris of which he took four samples, which the record describes as being a little more than a thimble full of material.

This material was taken by Mr. Burnside on the 17<sup>th</sup> of April, it remained in his possession until April 20, at which time he dropped it off to Robin White who worked for the University of Iowa Hygienic Lab, which is in Iowa City but Robin White is in Des Moines.

Mr. Herman passed around a copy of DNR exhibit 7, the chain of custody record, which he said discloses that Marion Burnside dropped the sample off to Robin White on April 20, and it also discloses that a gentleman by the name of Bernie Kirby received the sample on April 21.

He said during the course of the hearing he asked Mr. Burnside if he knew who Bernie Kirby was, and Mr. Burnside said he did not nor did he know who analyzed the material. Mr. Herman explained to the Commission that although this might look like a technicality, the asbestos content of the debris found by Mr. Burnside is the crux of the case.

He said the DNR cannot establish by credible, reliable evidence with appropriate foundation, how it was determined that the sample contained greater than one percent of asbestos and therefore was in violation of NESHAP. He said it was Affordable's contention that the case should be thrown out.

He said the DNR had the burden of proof but the administrative law judge seems to have shifted that burden to Affordable Asbestos by stating that there was no evidence entered on any bias on the part of the analyst.

Mr. Herman further said because no informal negotiation took place between the Department of Natural Resources and Affordable Asbestos prior to the Department issuance of the Administrative Order the Director of the Department lacked the legal authority or jurisdiction to issue the Order at the time it was issued.

Iowa Code section 455B.138, which is referenced in the brief, states that when the Director has evidence of violation of any provision of Division 2 of this chapter, the Director shall notify the alleged violator and by informal negotiation attempt to resolve the problem. It goes on to say that if these attempts are not fruitful that an order may issued prescribing things that the violator must do and ordering them to cease, describing time tables, ordering them to abate, etc. At that point the order can be appealed to the Commission.

He said there was record of one or two phone calls between Affordable and Marion Burnside but they were not negotiations. He said there was never an offer to negotiate and the order was issued months after the Notice of Violation without any negotiation.

He said the first of the alleged violation of 61.145 (C) (6) i, this particular allegation states that affordable left asbestos containing debris and let it dry out. This section specifically says for all RACM (regulated asbestos containing material) including material that has been removed or stripped, adequately wet the material and ensure that it remains wet until collected and contained or treated in a preparation for disposal. The main allegation is that Mr. Burnside found this material that he believed contained asbestos and which was dry, therefore it was not kept wet.

The problem Affordable has with this under the specific merit of the allegation is that Mr. Burnside is basically saying anything he finds in that entire room whether or not Affordable caused the debris, Affordable would be held accountable. The knowledge on which Mr. Burnside based his belief that Affordable caused the debris was that of Eric Snowden who could not be in the area during the.

He passed around a final checklist that Affordable uses when they finish a job which he said indicated that workers wet-wiped everything down, and carefully inspected the area in an attempt to get every tiny bit of debris. Pat Sawyer with Iowa Environmental inspected, performed the air monitoring analysis authorized Affordable Asbestos to leave.

Mr. Herman said it has been suggested that Mr. Sawyer could be correct because after he left Affordable went in and removed what they call the critical barrier, which is plastics attached to outside areas. It is possible that the material was attached to this plastic and broke loose when it was pulled down.

He said when they removed the asbestos in the penthouse they did what was called a glove bag removal where you use a big plastic bag that goes around the pipe. The worker put their hands inside the bag to do the so that when the asbestos came off it fell into the bag. In all likelihood the possibility that ever could have been any debris on the critical barriers is very limited.

The final alleged violation is 40 CFR 61.150 (a) (1) iii, he said Affordable's argument is that this section does not apply to the job at hand. 61.150 (a) the first paragraph reads, "You shall discharge no visible emissions to the outside air during the collection, processing including incineration, packaging, or transporting of any asbestos containing waste materials generated by the source or use one of the emissions control and waste treatment specified in paragraphs A1 through A4."

Before this project began Affordable sent a notice to the DNR of the pending job. On the notice, under description of work practices and engineering controls to be used to prevent emissions Affordable said, the company is choosing the no visible emission found at 40 CFR 61.150 (a). This notice goes on to say we may use some of these other things, such as hepa filtration, decontamination procedures, or additional safeguards. However these additional safety procedures should not be construed as a waiver of the no visible emission standard for waste collection.

He said section (a) (1) iii, that the Department alleges was violated says that the material was dry while (a) (1) iii requires that it remain wet. However if (a) (1) iii does not apply, then it does not have to be wet.

In addition he said a visible emission is not consistent with a piece of debris so the fact that Mr. Burnside found a piece of debris does not mean that a visible emission was there. He said the record shows that Mr. Burnside agreed with that, but his argument was that although it was not a visible emission but it could be someday. Affordable said the possibility that it could be a visible emission was a stretch of regulation.

The last thing he wanted to mention was the penalty initially requested by the Department was \$10,000 and after the hearing the Administrative Law Judge reduced it \$6,100 for various reasons. However, Mr. Herman said, she failed to address the mitigating factors of the material being such a miniscule amount and the fact that there was no evidence of bad faith, and the fact that there was a third party consultant that said everything was good.

He said everything about the way the DNR handled the situation showed it was not a big deal. When Inspector Burnside did the inspection and found the material, he told the maintenance man

that when Affordable came back to tell them that he had been there. He did not say block off this room, he did not come back to re-inspect. When he collected his samples he kept them in his possession for three days, dropped them off in Des Moines, and did not get sample results back for a long time.

He said in summary, Affordable Asbestos believes the chain of custody record clearly shows inadequate foundation to support any finding of violation. They believe that in regard to 61.145 (c) (6) (i) there was no violation if there is no proof that they were dealing with regulated asbestos containing material and 61.150 (a) (1) iii never applied to this case based upon the notification of renovation delivered by Affordable to DNR in advance of the project. If the Commission should decide that the penalty is appropriate, Affordable Asbestos believes it should be substantially reduced because of the amount of material, the third party inspection and clearance, and all of the other reason previously addressed.

Discussion followed regarding the specifics of the hearing.

Kelli Brabec, Department of Natural Resources Attorney responded to Doug Herman's comments. She said that everything the department wanted to say was in the brief or the file but she would like to briefly respond to some of Mr. Herman's points. On the issue of chain of custody, she said the testing was done by an accredited lab that does the State's testing in almost every case. There was no evidence that they were tampered with or were done by a biased tester.

On the failure to negotiate issue, the Department holds that this company has a large history of asbestos violation, they were aware of the regulations and the procedures and on numerous times have contacted Inspector Burnside. They received the Notice of Violation, with a statement that said that there could be further enforcement and if they had questions to call him. The judge found this to be sufficient. She said there are not specific guidelines as to how much or what the nature of this negotiation should be. With a case with a company with a large history such as this one the Judge felt that it was sufficient.

On the issue of failure to keep all asbestos adequately wet, this was a work area, there was testimony throughout the trial that indicated the only people allowed up into the penthouse was Affordable Asbestos and Iowa Environmental. She said there was a very short time between the time that Affordable Asbestos and Iowa Environmental left and when Marion Burnside came up to do the inspection.

She said the Department has looked into whether there had been other projects done in the penthouse and was told that as far as anyone knew there had not been any other asbestos projects done in the penthouse. The Department holds and EPA guidelines support that in this work area the asbestos removal-company is responsible for removing all asbestos containing debris.

She said the Department feels the penalty that the judge found was fair, because she did take into account that there was a small amount of time delay from the time the asbestos was found and when the violation came out.

Rita Venner asked if there was any rules or regulations that give the company removing the asbestos any warning that the inspectors is coming.



Ms. Brabec said there was not. She said the inspector tries to get out to see a removal project about once a year. The removal-company should be prepared for an inspection any time. She said the regulations hold that at any time a company is doing a removal project if there is dry asbestos it is a violation.

Rita Venner asked if the first inspector that gave the ok was ahead of Mr. Burnside.

Ms. Brabec said yes, but it was before critical barriers had been taken down and the record shows that Mr. Sawyer admitted he might have missed something. She added it is the removal-companies responsibility to go back in and do another search of the area before leaving the project.

Rita Venner asked if it is necessary for the DNR to have negotiations with a company.

Mike Murphy said it is in the Air Quality section of the Iowa Code, the interpretation of that rule was thoroughly discussed in the Administrative Law Judge findings. The Department provided many opportunities for negotiation but in this case given the history of this facility and the fact that the Notice of Violation went out inviting them to respond or comment, the Administrative law judge found it sufficient.

*Motion was made by Darrell Hanson to affirm the decision of Administrative Law Judge. Seconded by Jim Braun.*

Rita Venner commented that every time one of these cases come up there always seems to be a very fine line in the rules and the fines seem to be somewhat excessive. She said because there are increasing numbers of asbestos removal cases coming before the Commission perhaps the rules need to be scrutinized a little more and the fines reviewed.

Terry Townsend said he believes when the EPA rules say none, you have to assume none means zero. He said we are dealing with a very toxic material.

Lisa Davis Cook said it does not take much to completely alter someone's life.

Jim Braun said it seemed to him that when there are hazardous materials being worked with, the payment for the removal is rather high because of costs. Generally the payment that is received by company for the removal is high enough that they are expected to comply with the EPA regulation.

*Motion carried unanimously*

**DECISION UPHELD**

## **2001 LEGISLATIVE INITIATIVES**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The update of the Bottle Bill was originally proposed as part of the Department of Natural Resources' legislative initiatives for the 2001 session. Upon further consideration, the Department has dropped that proposal from its 2001 list. Instead, we will continue to gather information and serve as a resource to the legislature on this issue.

Liz Christiansen explained that the Department would be focusing on the Transfer Station Tonnage Fee, which is described in item 8a, during this year's Legislative session. She said the Transfer Station Tonnage Fee is a gap that the Department is trying to fill, at this time if waste goes through a transfer station bound for a land fill within Iowa, that tonnage fee is imposed at the gate. If waste is bound for a landfill outside of Iowa the tonnage fee is never imposed. She said at the time that the legislature was written regarding tonnage fees transfer stations were not used widely throughout the State of Iowa. Since that time we have seen more and more transfer stations being set up and becoming more active.

Discussion followed regarding the bottle bill.

Lyle Asell said the Department started a rather significant water quality initiative last year and the focus is still going to be on continuing that issue. The Department has asked for some additional funding so the thought was that we needed to focus on some high priority issues where we can have an impact. If the Department became involved in too many issues it would not be effective in any of them.

Lisa Davis Cook said she was concerned because as a former lobbyist she knows how much the Department is looked to by the legislature for information on environmental issues.

Liz Christiansen said the Department is in the process of gathering information that they can provide to legislators, the recycling association, the Beautiful Land Coalition, and to the general public on the impact of the current bottle bill and what the update of the bottle bill would do. The Department is conducting an attitude survey to see how people feel about the bottle bill and if they propose an update. The Department is also conducting a survey of what is found on the roadside.

Darrell Hanson asked if we should be discouraging people from taking their garbage outside of the state.

Liz Christiansen said that waste reduction and recycling has to be done locally regardless of where it is disposed of.

Lyle Asell said that Liz Christiansen is setting up a Garbage Summit for the Midwestern States to be held in December in an effort to coordinate better in the future.

<b>INFORMATION ONLY</b>
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## **2001 LEGISLATION**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, and Wayne Gieselman, Animal Feeding Operations Coordinator for the Environmental Protection Division, presented the following item.

In preparation for the 2001 General Assembly, Division Administrators were requested to submit legislative proposals for the Interim Director's approval. Listed below are the proposals for the Waste Management and Environmental Protection Divisions.

1. Transfer Station Tonnage Fee
2. Animal Feeding Operations

In addition to these there will be an additional item to amend Iowa Code to include the Land Quality Bureau in the Waste Management Assistance Division with a new Division name of Land Quality and Waste Management Assistance Division.

### *Waste Management Assistance*

#### *Item #1*

#### *Transfer Station Tonnage Fee (HSF673 from 2000 Sessions)*

##### Section 1

##### **Amend Section 455B.301, by adding new subsection:**

21. "Transfer station" means a fixed or mobile intermediate sanitary disposal project for transferring loads of solid waste, with or without reduction of volume, to another transportation unit.

##### Section 2

##### **Amend Section 455B.310(1), as follows:**

1a. A tonnage fee is imposed on each ton of solid waste generated or landfilled in the state. Operators of sanitary landfills and operators of transfer stations shall pay the tonnage fee as provided in this section. The tonnage fee shall not be applied to the same solid waste more than once.

b. Except as provided in subsection 3, the operator of a sanitary landfill shall pay a tonnage fee to the department for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill during the preceding reporting period. The department shall determine by rule the volume which is equivalent to a ton of waste.

c. The operator of a transfer station shall pay a tonnage fee to the department for each ton of solid waste received by the transfer station and transported from the transfer station during the preceding reporting period for landfilling in a sanitary landfill not paying the tonnage fee imposed under this section.

##### Section 3

##### **Amend Section 455B.310(4)d, as follows:**

d. Each sanitary landfill or transfer station owner or operator shall submit a return to the department identifying the use of all fees retained under this section including the manner in which the fees were distributed. The return shall be submitted concurrently with the return required under subsection 7.

## ***Environmental Protection***

### ***Item #2***

#### ***Animal Feeding Operations***

##### **Section 1**

##### **Add New Section 455B.166, Exceptions**

The separation distances in this part are all minimum distances. The director may impose greater separation distances where necessary to protect unique natural areas, high quality water areas, protected water areas and other important areas.

##### **Section 2**

##### **Amend Subsection 455B.171(22), Definitions, by adding the following new unnumbered paragraph:**

For the purpose of this part, or a rule or regulation adopted by the department of natural resources under this part relating to animal feeding operations, "person" includes a person who holds indicia of ownership or management of the animals or animal care and production activities of such operations. Indicia of ownership include actual ownership of the animals during the production cycle, or any contractual obligation or right that exists during the production cycle to acquire or control the purchase or sale of the animals. Indicia of management includes actual management of the feeding operation or any contractual right to control the feeding, medication, facilities, selection or grouping of animals, or other necessary operational or management activities related to the animal feeding operation.

##### **Section 3**

##### **Amend Section 455B.200A, Permit Requirements, by adding new subsection:**

10. Any animal feeding operation which is determined not to be required to obtain a permit under this section is subject to a registration requirement. Any new animal feeding operation which does not require a permit shall become registered with the department. Any existing facilities shall become registered with the department by no later than January 1, 2002. The department shall adopt rules necessary to implement this registration requirement. The department may charge a fee for registration of animal feeding operations under this section. The fee for registration shall be based upon the costs of administering and enforcing this section and paying the expenses of the department relating to registration and compliance with registration requirements. All registration fees received shall be retained by the department and used solely for the purposes of this section.

##### **Section 4**

##### **Amend Subsection 455B.203(3)a, as follows:**

Calculations necessary to determine the land area required for the application of manure from a confinement feeding operation based on nitrogen and phosphorous use levels in order to obtain optimum crop yields according to a crop schedule specified in the plan, and according to requirements adopted by the department after receiving recommendations from the animal agriculture consulting organization provided for in 1995 Iowa Acts, chapter 195, section 37.

#### Section 5

**Amend Section 455B.203, Manure management plan – requirements, by adding new subsection:**

8. Once approved, manure management plans required in this section are subject to periodic updates whose frequency of submission and content shall be specified by rule of the department, but in no event more frequently than every 3 years.

#### Section 6

**Amend Section 455B.204(1), by adding new paragraph:**

c. "100 year flood plain" means the land adjacent to a stream which has been or may be inundated by a flood having a 1.0 percent chance of being equaled or exceeded in any one year as determined by the department.

#### Section 7

**Amend Section 455B.204(2)a, as follows:**

a. An animal feeding operation structure shall not be constructed closer than five hundred feet away from a surface intake, wellhead, or cistern of an agricultural drainage well or known sinkhole, or in the one hundred year floodplain of a major water source.

#### Section 8

**Add the following new paragraph:**

The Department of Natural Resources shall develop a monitoring strategy and protocols for hydrogen sulfide and other air contaminants as determined by the department in areas near confined animal feeding operations and meat processing facilities. The strategy, along with recommendations which detail the scope and costs associated with implementing the strategy shall be provided to the General Assembly in a report by no later than January 15, 2003.

#### Section 9

##### **FULL-TIME EQUIVALENT POSITIONS**

There is authorized for the fiscal year beginning July 1, 2001, the following full-time equivalent positions within the department of natural resources, in order to support administration of chapter 455B, as enacted in part by this Act, in addition to any other full-time equivalent positions authorized by the Seventy-ninth General Assembly, 2001 Session, to support the department:  
FTEs    12.00

Wayne Gieselman explained the proposed legislation on Animal Feeding Operations. He said section one was proposed last year. At the current time separation distances for the animal feeding operations from homes, communities, public right of ways, and cemeteries are established in law. What the Department is proposing with this legislature is to set them as minimum distances and for areas of great public interest or concern there could be some larger separation distances imposed by the Department.

Section two is intended to have the environmental responsibility attached not only to the people who own the buildings and the specific sites where livestock is raised but also to the people who own the livestock at those sites.

Section three is proposing to require registration fees from the people that the Department is regulating to help pay for the program.

Lengthy discussion followed regarding the specifics of the proposed law.

Section four is adding two words to the existing code to say nitrogen and phosphorous. He said one reason the Department chose to make this change is because they think the national standards will soon reflect the same and the second reason is because we have areas in our state that are becoming phosphorous overloaded because of concentration of livestock.

Jim Braun said he felt this was an issue that needed more attention.

Lyle Asell said the Department would set up to have some people from Iowa State come in and talk to the Commission on this issue.

Section 5 proposes that manure management plans be submitted on some type of a periodic basis, no more frequently than every three years.

Section 6 and 7 proposes that there will be no more animal feeding operations permitted in floodplain areas of major water sources.

Section 8 is a new paragraph that deals with a current petition that will ask the DNR to adopt air emission standards for animal feeding operations.

Section 9 is asking for twelve full time employees to work primarily in the field office in the animal feeding operations section.

<b>INFORMATION ONLY</b>
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Terrance Townsend stated that he would like the Commission to hear all of the decision items next and save all of the remaining information items for last due to the fact that Darrell Hanson had to leave early in the afternoon.

**MEMORANDUM OF AGREEMENT BETWEEN THE U.S. ARMY CORPS OF ENGINEERS AND THE DEPARTMENT.**

Bernie Hoyer, Supervisor, Water Monitoring Section, Energy and Geological Resources Division presented the following item.

Commission approval is requested for a Memorandum of Agreement between the U.S. Army Corps of Engineers, Rock Island District, and the Department for water quality monitoring. The total cost to the State of Iowa is \$44,000.

The purpose of the Memorandum of Agreement (MOA) is to restore the U.S. Army Corps of Engineers (COE) water quality monitoring for recently discontinued parameters at eleven sites associated with Coralville, Red Rock, and Saylorville Reservoirs. Flat budgeting by the COE over a number of years has required that parameters measured at long established sites be reduced. This MOA will enable five parameters to be measured on a continued basis: total phosphate, dissolved orthophosphate, total nitrogen, dissolved silica and total organic carbon. Such an arrangement will insure comparability between the COE and DNR sites. These COE sites are extremely valuable because they represent the longest monitoring records in the state. They are critical for understanding nutrient losses through time. Last year a MOA for a portion of the fiscal year restored these parameters to the COE sites and this agreement will maintain this valuable record.

Funding for this amendment will be from SFY01 water quality monitoring funds provided by the 2000 General Assembly.

Bernie Hoyer said the Army Corp of Engineers has run a monitoring program in conjunction with the management of their large federal reservoirs since around 1970. This has been the longest running monitoring that the State has and is very important to the Department because of the longevity of the record. Through the years the Corps has kept their funding level constant, which has resulted in a reduction in the number of sites and the number of parameters being monitored. Last summer the Department wrote a small memorandum of agreement to help support their program. This year the Department is asking the Commission to approve a larger amount to help the program through the next year.

*Motion was made by Darrell Hanson to approve the Memorandum of Agreement as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **AMENDMENT TO AGREEMENT WITH WINDSOR TECHNOLOGIES, INC. FOR SPARS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Iowa Department of Natural Resources, Air Quality Bureau (AQB) and Windsor Technologies, Inc. created and have been maintaining the State Permitting and Air Reporting System (SPARS) under contracts 1997-084 and 1999-7230-12. SPARS has made it possible for our facility clients to fill out and submit an electronic construction and/or operating permit application via diskette, CD-ROM, e-mail, or ftp.

SPARS has been in production for several months now. The AQB has scheduled some additional training for users for the week of November 6<sup>th</sup>. AQB continues to receive more and more air construction applications via SPARS and expects this to increase tremendously with the roll-out of the air operating permit application process via SPARS January 2001.

The Air Quality Bureau has a current Agreement #2000-7230-12 for \$289,444.00, which addresses:

- Maintenance and Minor Enhancements
- Adding Part 2 Operating Permit Application
- Strategic Architecture

These components are expected to be complete by the end of 2000.

In addition, the Air Quality Bureau amended the agreement for \$121,714.00, which addresses:

- Adding the Site ID Letter functionality
- Adding the Emission Inventory Forms
- Adding the SPARS Operating Permit Editor

These components are expected to be complete by the end of 2000.

**The Air Quality Bureau is requesting a second amendment to Agreement #2000-7230-12.**

To support fully the compliance and enforcement functionality it is advisable to develop certain

enterprise functionality for the SPARS infrastructure. This functionality includes a Standard

Language Library (SLL) and the Facility Information Template for States (FITS) functionality.

1. **Standard Language Library.** A Standard Language Library (SLL) allows users to employ consistent verbiage to make uniform how the ABQ applies, interprets, and enforces rules. The SLL will map permit conditions to compliance checks (inspections) to notices (violation notices and non-compliance advisories) and letters.
2. **The Facility Information Template for States (FITS) Model.** Environmental Council of States's (ECOS) FITS model dictates that state agencies assign master facility IDs to link all data regarding a specific facility. The addition of this feature will accommodate the variety of Site ID nomenclature within the Bureau, the dynamic nature of facility names, and possible future multi-media employment of the SPARS system. It should be noted that the FITS data model is currently implemented in SPARS, but not all of the related functionality.

A comprehensive compliance and enforcement regulatory system consists of four critical

functions or subsystems: pre-compliance, compliance determination including field inspections,

tracking compliance activities, and enforcement.

3. **Pre-Compliance Subsystem.** The most intuitive, efficient, and effective route from the current permit application and reporting functionality to the proposed compliance and enforcement functionality is to first add a Pre-Compliance subsystem. The Pre-Compliance function would be designed and developed to manage the information required for use in writing permits and to assist with the permit writing. This sub-system would consist of a Standard Language Library and a Permit Writer. An interface for fee information would also



be developed.

4. **Inspection Subsystem.** Field inspection functionality helps field offices conduct inspections on time and according to the most current version of the facilities' permit conditions and relevant regulations. Inspection checklists and various communications (violation notices, requests for more information, etc.) would be automated.
5. **Compliance Determination & Tracking Subsystem.** Compliance Determination feature assists the Bureau and the facility to determine which regulations and requirements the facility is subject to. The Tracking Compliance Activities function assists Bureau staff to ensure permit requirements are met according to statutory parameters. Also, results from stack tests and monitor tests are compared with active permits to determine if the facility is in compliance.
6. **Enforcement Subsystem.** The field office inspectors and AQB staff review information to determine the appropriate corrective and compliance actions. The field office and AQB staff summarize the case for the DNR attorneys. The DNR attorneys review requests from the field offices and AQB staff for formal enforcement actions (administrative orders) and prepare the legal paperwork. The DNR attorneys summarize more serious cases for the state attorney general. The enforcement subsystem is for the legal staff to use to send info to the State Attorney General's Office.

[Funding will span two fiscal years – 2001 and 2002. \$251,286.00 remains to be utilized out of 2001 fiscal budget, specifically cost center 7230 activity 405 object 2450. The balance, \$263,174.00, will come out of 2002 fiscal budget, specifically cost center 7230 activity 405 object 2450.]

### **Conclusion**

Since Windsor Technologies, Inc. developed SPARS, it makes sense to contract with them to do the work. If we were to ask another contractor to do this work, it would require a substantial amount of time and money for another contractor to get familiar with the SPARS software before even doing any work on these components. The Air Quality Bureau has been very pleased with Windsor's work in developing the SPARS software and would see it as a major asset to continue utilizing their services.

The total cost to add the Compliance and Enforcement System is \$515,000.

The completion date for the Compliance and Enforcement System is December 31, 2001 assuming a start date of December 1, 2000.

The Commission is asked to approve the issuance of Amendment #2 to Agreement #2000-7230-12 with Windsor Technologies, Inc. to add the Compliance and Enforcement System to SPARS.

Mike Valde said SPARS is the Departments system for air permitting that they have been in the process of developing. There is an existing contract with one amendment. The Department is proposing adding a second amendment to that contract to add addition elements to SPARS, a

standard language library, facility information template for states, and a compliance and enforcement section as well as others. The total amount of this amendment would be \$515,000 with the work being completed over the following calendar year.

A brief discussion followed regarding the existing contract.

*Motion was made by Lisa Davis Cook to approve the Amendment to Agreement as presented. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE – CHAPTER 81 – OPERATOR CERTIFICATION: PUBLIC WATER SUPPLY SYSTEMS AND WASTEWATER TREATMENT SYSTEMS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the adoption of a revised Chapter 81 entitled "Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems." The existing Chapter 81 is being replaced in its entirety due to the significant number of revisions. The changes primarily affect public water supply system operators, although there are also changes in the wastewater operator certification program.

The operator certification rules were rewritten to 1) reflect new EPA requirements for certified operators at all community and nontransient noncommunity public water supplies, 2) increase the program fees, 3) add disciplinary actions, and 4) to reorganize the rule for clarity. Chapter 81 was last updated in 1994 and the fees have not been changed since 1983.

The changes include:

- new and amended definitions;
- grammatical changes;
- a new public water supply operator certification classification for very small systems (Class A);
- restructuring the water distribution classification grades to match the water treatment grades;
- water distribution system classification grades for rural water systems;
- fee restructuring for the operator certification program;
- education and experience requirements for operator certification;
- defining the director and EPC roles in fee increases and reductions;
- amending the operator-by-affidavit rules to allow the director to require additional monitoring and operational requirements depending upon the size and complexity of the system, and to prohibit their practice at Grade III surface water plants (currently none are operating such in Iowa);
- disciplinary actions for certified operators (to be consistent with other EPD requirements); and
- a clause to allow for certification revocation when child support orders are violated.

The proposed rules were published as a Notice of Intended Action in the Iowa Administrative Bulletin on June 14, 2000. Six public hearings were held to receive public input, one in each of the following communities: Atlantic, Des Moines, Manchester, Mason City, Storm Lake, and Washington. Written comments were accepted through July 26, 2000. The comments received are detailed in the attached Responsiveness Summary. As noted in the Summary, some modifications were made in response to the comments received.

Mike Valde said this rule went out for public notice last summer, the Department held six public hearings around the state. The rule adopts EPA mandated updates for Operator Certification for drinking water and wastewater operators.

*Motion was made by Darrell Hanson to approve the Final Rule as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE CHANGE ALLOWING PRODUCERS TO APPLY MANURE WITHOUT AN APPROVED MANURE MANAGEMENT PLAN UNTIL JUNE 30, 2002.**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

This rule change proposes to extend the current deadline for applying manure without approved manure management plans until June 30, 2002. The department currently has on file manure management plans for 1736 non-permitted swine confinement facilities. We also have approximately 900 permitted sites that have manure management plans on file. The rules currently prohibit confinement site operations from applying manure without an approved manure management plan after Dec. 31, 2000. The staff has been able to approve approximately 800 manure management plans to date. We will not have all the plans on file reviewed by December 31, 2000. If operators apply manure without an approved plan after Dec. 31, they will be in violation of the law unless this rule is changed. Additionally, this rule needs to be filed in emergency in order to keep many confinement swine operations in compliance with the law.

Mike Valde said the Department has received around 1600 Manure Management Plans and have approved around 800 of them. It has become obvious to the Department that they will not get through all of the plans by the end of this year. Therefore this rule change extends the deadline until June 30, 2002.

*Motion was made by Gary Priebe to approve the proposed rule change as presented. Seconded by Rozanne King.*

Lisa Davis Cook asked if the Department would be able to get through all of the applications by June 30, 2002.

Short discussion followed.

*Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**REFERRALS TO THE ATTORNEY GENERAL**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. James Harter (Jefferson County) – wastewater/penalty.

Mike Murphy said this referral involves penalty collection only. He said an administrative order was issued to James Harter who operated a metal scrapping and salvage operation near Fairfield. That type of operation requires a storm water permit from the Department. He was requested to obtain such a permit, which he did not do. He has since gone out of business and the property owner has taken over the property and cleaned it up.

Terrance Townsend asked about the penalty amount listed as 18,000.

Mike Murphy stated that it had been in error and the amount should be 1,800.

<i>Motion was made by Rozanne King for referral. Seconded by Lisa Davis Cook. Motion carried unanimously.</i>
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<b>REFERRED</b>
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**MONTHLY REPORTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes

## 10. Small Business Liaison for Air Quality (Quarterly Report)

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
NOVEMBER 1, 2000

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	ARC #	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 22 - 25 - Air Quality Program Rules	5/15/00	6/14/00	9985A	7/11/00	7/20/00	7/28/00	*12/18/00	*12/18/00	*1/10/01		*2/06/01	*2/14/01
2. Ch. 40, 41, 42, 43, 81, 83 - Water Supply, Operator Certification and Environmental Lab Certification	5/15/00	6/14/00	9888A	7/11/00	7/6, 7/7, 7/14, 7/18 7/19/00	7/26/00	9/18/00	9/18/00	10/18/00	0218B	11/14/00	*11/24/00
3. Ch. 60, 62 and 63 - WQ Pretreatment Standard							10/16/00	10/16/00	*11/15/00		*12/11/00	*10/27/00
4. Ch. 61 - WQ Standards	4/17/00	5/17/00	9839A	6/13/00	6/08, 6/12, 6/15, 6/16/00	6/30/00	9/18/00	9/18/00	10/18/00	0215B	11/14/00	*11/24/00
5. Ch. 64 - Wastewater Construction and Operation Permits	7/17/00	8/09/00	0052B	9/12/00	9/01/00	9/01/00	*12/18/00	*12/18/00	*1/10/01		*2/06/01	*2/14/01
6. Ch. 65 - Animal Feeding Operations	10/16/00	*11/15/00		*12/11/00	12/12 12/13 12/18 12/19 12/20/00	12/20/00	*2/19/01	*2/19/01	*3/19/01		*4/09/01	*4/22/01
7. Ch. 65 - Animal Feeding Operations							11/20/00	*11/20/00	*12/13/00		*1/08/01	*11/24/00
8. Ch. 81 - Operator Certification	5/15/00	6/14/00	9886A	7/11/00	7/6, 7/7, 7/14, 7/18, 7/19/00	7/27/00	11/20/00	*11/20/00	*12/13/00		*1/08/01	1/17/01
9. Ch. 93 - On-Site Wastewater Treatment State Revolving Fund	6/19/00	9/20/00	0136B	10/09/00	10/11-13 17-19/00	10/24/00	*12/18/00	*12/18/00	*1/10/00		*2/06/01	*2/14/01
10. Ch. 101 - Solid Waste Comprehensive Planning	10/16/00	*11/15/00		*12/11/00	12/18/00	12/18/00	*2/19/01	*2/19/01	*3/19/01		*4/09/01	*4/22/01
11. Ch. 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills	11/20/00	*12/13/00		*1/14/01	*1/09/01	*1/09/01	*2/19/01	*2/19/01	*3/19/00		*4/09/01	*4/22/01
12. Ch. 135 - MTBE Sampling	9/18/00	10/18/00	0217B	11/14/00		11/07/00	*12/18/00	*12/18/00	*1/10/01		*2/06/01	*2/14/01

## Monthly Variance Report

November, 2000

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Bil Mar Foods of Iowa-Storm Lake	Air Quality	Kirk Dunbar-Bil Mar Foods of Iowa	Permit Requirements	Approved	09/13/00
2	BP Amoco-Council Bluffs, Iowa Terminal	Air Quality		Permit Requirements	Approved	09/21/00
3	IBP, Inc.-Perry, Iowa Facility	Air Quality		Permit Requirements	Approved	09/19/00
4	Koch Pipeline Company LP-Cherokee, Keokuk, Kossuth, & Lee Counties	Air Quality		Permit Requirements	Approved	09/14/00
5	Monarch Manufacturing Co.-Dallas County	Air Quality		Permit Requirements	Approved	09/20/00
6	West Central Cooperative-Adair, Iowa Facility	Air Quality		Permit Requirements	Approved	09/19/00
7	East Fork Grand River Watershed-Site A-51-Ringgold County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	09/13/00
8	West Fork Big Creek Watershed-Sites B-1, B-23, B-28-Ringgold County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	09/13/00
9	Iowa Falls, City of	Watersupply	Fox	Siting Criteria	Approved	09/08/00

		Construction	Engineering			
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During the period October 1, 2000, through October 31, 2000, 60 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance				Mode					
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other
October	60 (62)	3 (6)	42 (48)	14 (5)	22 (32)	32 (23)	0 (1)	1 (2)	1 (0)	4 (4)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>60 (62)</b>	<b>3 (6)</b>	<b>42 (48)</b>	<b>14 (5)</b>	<b>22 (32)</b>	<b>32 (23)</b>	<b>0 (1)</b>	<b>1 (2)</b>	<b>1 (0)</b>	<b>4 (4)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
10	4	13	5	14	14

During the period October 1, 2000, through October 31, 2000, 5 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	5 (6)	0 (0)	2 (3)	2 (2)	1 (1)	4 (6)	1 (0)	0 (0)	0 (0)	1 (2)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>5 (6)</b>	<b>0 (0)</b>	<b>2 (3)</b>	<b>2 (2)</b>	<b>0 (0)</b>	<b>4 (6)</b>	<b>1 (0)</b>	<b>0 (0)</b>	<b>0 (0)</b>	<b>1 (2)</b>

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	0	2	1	0	1

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Churdan Feeder Pig, Inc., Churdan (4)	Animal Feeding Operation	Failure to Empty Discontinued Facility; Freeboard	Order	10/12/00
Primghar Fire Department; City of Primghar (3)	Air Quality	Asbestos	Order/Penalty \$4,000	10/16/00
Primghar Advancement Corporation, Primghar (3)	Air Quality	Asbestos	Order/Penalty \$10,000	10/16/00
Eastern Iowa Pumping, Inc.;	Animal Feeding	Uncertified Applicator	Order/Penalty	10/16/00

# Environmental Protection Commission Minutes

November 2000

Joseph G. Hildebrand, Manchester (1)	Operation		\$2,000	
Holian Asbestos Removal and Encapsulation Corp., Charles City (2)	Air Quality	Asbestos	Order/Penalty \$5,000	10/16/00
AGP Grain Cooperative, Klemme (2)	Air Quality	Fugitive Dust	Consent Amendment	10/16/00
Knox Corporation, Davenport (6)	Underground Tank	Monitoring Deficiencies	Order/Penalty \$6,700	10/18/00
Eldora, City of (2)	Wastewater Drinking Water	Construction Without Permit; Construction Without Permit	Order/Penalty \$1,500	10/18/00
James Nizzi d/b/a Alice's Spaghettiland, Clive (5)	Drinking Water	Compliance Schedule; MCL – Bacteria; Operational Violations	Order/Penalty \$3,000	10/18/00
Charlotte, City of (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order	10/18/00
Farmers Feed & Grain Co., Riceville (1)	Wastewater	Prohibited Discharge; Water Quality Violations – General Criteria	Order/Penalty \$5,000	10/18/00
L & L Book Properties L.C.; Larry L. Book, Sioux City (3)	Wastewater	Water Quality Violations – General Criteria; Numeric Criteria	Order/Penalty \$8,000	10/18/00
Lawrence "Bub" Korver d/b/a Korver Development Co., Orange City (3)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$5,000	10/20/00
McDonald Construction, Inc.; Dwight McDonald, Eldora (2)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$2,000	10/20/00
R. Excavating, Inc.; Randy S. Golden, Pottawattamie Co. (4)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$10,000	10/20/00
David Thompson, Kanawha (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$250	10/20/00
David Thompson, Kanawha (2)	Animal Feeding Operation	License Discipline	Order/Penalty \$250	10/20/00
American Legion – Swisher Post #671, Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Operational Violations	Order/Penalty \$500	10/20/00
Archer-Daniels-Midland Co., Cedar Rapids (1)	Air Quality	Other – Settlement of Permit Appeal	Consent Order	10/18/00
Riley Industrial Painting, Inc.; Burlington (6)	Air Quality	Operation Without Permit	Consent Amendment	10/31/00
Seven Ponds Park, Sperry (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty \$500	10/31/00
William L. Burress; Davenport Homes, Inc.; Crystal Creek, Inc., Davenport (6)	Wastewater	Stormwater – Pollution Prevention Plan Violation	Order/Penalty \$10,000	10/31/00
BCD Corporation, Council Bluffs (4)	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violation	Order	10/31/00
Westbrooke Construction Co., Speer & Lepic L.C., Polk Co. (5)1	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$4,000	10/31/00
Braddyville, City of (4)	Wastewater	Operational Violations	Order/Penalty \$3,500	10/31/00

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
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Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	8,830	6-05-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,000	11-01-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
James Harter (Fairfield)	WW	1,800	1-29-00
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Jerry L. Roney (Huxley)	UT	2,000	3-25-00
D/S Land Company, L.C. d/b/a The Outer Edge (Mason City)	WS	300	4-25-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Weber Construction, Inc. (Cascade)	AQ	4,000	5-26-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
The Barn (Sherrill)	WS	1,000	6-06-00
Country Hills Water Corporation (Peosta)	WS	500	6-12-00
Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Scott Paulson (Forest City)	AQ/SW	250	7-01-00
Western Iowa Limestone, Inc. (Logan)	AQ	500	7-14-00
* Iowa Waste Systems, Inc.	SW	2,500	7-15-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
Kathy's Korner (Dewar)	WS	500	9-06-00
Larrabee, City of	WS	250	9-11-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
Mill Creek Highlands Development L.C.; Clinton Engineering Co., Inc. (Clinton Co.)	WW	10,000	10-16-00
* Steven Reimers (Schaller)	AQ/SW	995	11-01-00
* Ben Haven Mobile Home Park	WS	50	11-01-00
Diamond Oil Company, Inc. (Des Moines)	UT	4,000	11-07-00
Sully Transport, Inc. (Sully)	UT	3,000	11-11-00
* R.V. Hopkins, Inc. (Davenport)	AQ	3,700	11-16-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Riley Industrial Painting, Inc. (Burlington)	AQ	7,000	12-01-00
Primghar Fire Department; City of Primghar	AQ	4,000	12-19-00
Holian Asbestos Removal & Encapsulation (Charles City)	AQ	5,000	12-19-00
Primghar Advancement Corp.	AQ	10,000	12-20-00
McDonald Construction, Inc.; Dwight McDonald (Eldora)	WW	2,000	12-26-00
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000	12-26-00
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Winter Mobile Home Park (Chickasaw Co.)	WS	2,500	-----
L & L Book Properties; Larry L. Book (Sioux City)	WW	8,000	-----
Farmers Feed & Grain Co., Inc. (Riceville)	WW	5,000	-----
Eldora, City of	WW/WS	1,500	-----
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000	-----
Knox Corporation (Davenport)	UT	6,700	-----
American Legion - Swisher Post #671 (Swisher)	WS	500	-----
David Thompson (Hancock Co.)	AFO	250	-----
David Thompson (Hancock Co.)	AQ/SW	250	-----
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	-----
Seven Ponds Park (Sperry)	WS	500	-----
Braddyville, City of	WW	3,500	-----
<b>TOTAL</b>		<b>224,975</b>	



The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	2,250	2-11-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,400	10-15-00
<b>TOTAL</b>		<b>151,250</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling		

(Allamakee Co.)	SW	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Muscatine County Sanitary Landfill	SW	10,000
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Sac County Golf and Country Club (Wall Lake)	WS	3,000
Michael Roberts (Page Co.)	AQ	1,500
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
Omaha Cold Storage Terminals, Inc. (Ft. Dodge)	WW	1,500
Edward Degeus (Britt)	AQ	3,000
Aaron Berry (Pottawattamie Co.)	AQ/SW	1,500
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000
New Virginia Sanitary District (New Virginia)	WW	5,000
Meadowknolls Addition (Linn Co.)	WS	1,500
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
LT Tap (Waucoma)	WS	500
Iowa State University Heating Plant (Ames)	AQ	1,000
Iowa Air National Guard - 185 <sup>th</sup> Fighter Wing (Sioux City)	AQ	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Winter Mobile Home Park (New Hampton)	WS	1,000
John Deere Waterloo Works - DDS (Waterloo)	AQ	7,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Alta Vista Property Owners Assn. (Ames)	WS	1,000
Top of Iowa Cooperative (Hanlontown)	AQ	3,000
Bettendorf, City of	WW	1,000
Quality Mat Co., Inc. (Waterloo)	AQ	8,500
Ajinomoto USA (Eddyville)	AQ	4,000
Featherlite, Inc. (Cresco)	AQ	8,000
Boondocks Truck Haven (Williams)	WS	2,750
Speltz Elevator Inc. (Worth Co.)	WW	3,000
Malvern, City of	WW	5,000
# Dan Witt (Clinton Co.)	AFO	3,000
Houghton, City of	SW	2,000
Shell Rock Products, Inc. (Milford)	AQ	10,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
Food Waste Solutions LLC (Anamosa)	WS	2,500
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Agri Grain Marketing (Dubuque)	AQ	3,000
Envirobest, Inc. (Ft. Dodge)	AQ	3,000
Kinderland, Inc. (Dubuque)	WS	1,500
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation (Manning)	AQ/SW	7,500
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
Charles City, City of	WW	5,000
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000

# Environmental Protection Commission Minutes

November 2000

Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
Salem Lutheran Church (Correctionville)	WS	500
J.W. Ready Mix and Construction, Inc. (Ft. Dodge)	AQ	1,000
Curries Company (Mason City)	AQ	1,000
CMT Enterprise	AQ	3,000
<b>TOTAL</b>		<b>468,810</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Hargrave-McEleney, Inc. (Iowa City)	WS	500
Wendy Oaks Mobile Home Park (Cedar Rapids)	WS	400
Oakview Construction, Inc. (Red Oak)	AQ/SW	500
Millersburg, City of	WS	1,500
* Ben Haven Mobile Home Park	WS	50
Delaware County Conservation Board	WS	500
MidAmerican Energy Company (Red Oak)	AQ	3,000
# Sparboe Iowa Corporation (Franklin Co.)	AFO	3,000
Pine Creek Par 31 Golf Course (Mason City)	WS	300
Prairie Village Mobile Home Park (Booneville)	WS	100
Iowa Waste Systems, Inc.	SW	2,500
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	300
* Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	50
* R.V. Hopkins, Inc. (Davenport)	AQ	500
* Steven Reimers (Schaller)	AQ/SW	215
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	3,000
Fernald Water System	WS	500
Black Hawk County Sanitary Landfill	SW	8,000
IBP, Inc. (Columbus Junction)	SW	1,000
Iowa Waste Systems, Inc.	SW	2,500
Eastern Iowa Pumping; Joseph G. Hildebrand (Manchester)	AFO	1,000
Dave Thompson (Hancock Co.)	SW	2,000
<b>TOTAL</b>		<b>31,415</b>

The \$3,500 penalty assessed to Tom Wiseman (Sheffield) has been withdrawn.

The \$2,300 penalty assessed to William Jensen d/b/a B & B Tire & Oil Co. (Avoca) has been withdrawn.

Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed Trial Date	3/15/99 9/13/99 2/26/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/20/00 4/19/00
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 12/20/00
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2) <b>UPDATED</b>	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	10/18/99 03/17/00
Guardian Industries Corp. DeWitt (6) <b>UPDATED</b>	Air Quality	Operation Without Permit; Emission Standards; Operational Violations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$35,000/Civil)	4/17/00 10/30/00 11/01/00
Hawkins, Ralene d/b/a R.J.					

Express Salvage and Demolition Burlington (6)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/00
Holmes, Lester; Todd Holmes Williamson (5)	Air Quality	Open Burning	Order/Penalty	Referred	9/18/00
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filed	4/17/00 9/27/00
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/99 8/01/00
Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. (4)	Animal Feeding Operation	Prohibited Discharge; Failure to Retain	Referred to Attorney General	Referred	4/17/00
Keokuk Ferro-Sil, Inc. Keokuk (6)	Air Quality	Operation Without Permit	Referred to Attorney General	Referred	5/15/00
Larson, Daryl Jones Co. (1) <b>UPDATED</b>	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed	5/17/99 11/02/00
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 4/09/01
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction) Closed	2/17/92 12/21/92 10/11/94 10/02/00
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4) <b>UPDATED</b>	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed Petitioner's Motion for Summary Judgment State's Resistance Hearing Trial Date Summary Judgment Granted	11/05/99 11/29/99 6/15/00 7/19/00 8/17/00 10/23/00 10/23/00
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00
Organic Technologies; Tim Danley; Ken Renfrow Warren Co. (5)	Solid Waste Wastewater	Compliance Schedule; Cover Violations; Discharge Limits; Operation Violations	Order/Penalty	Referred	7/17/00
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6)	Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred Petition Filed	3/20/00 8/01/00
Phillips, Jeff; Phillips Recycling		Stormwater;		Referred	8/16/99

# Environmental Protection Commission Minutes

November 2000

Story Co. (5)	Wastewater	Operation Without Permit	Order/Penalty	Petition Filed	9/12/00
Sharkey, Dennis J., Sr. Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/17/00
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Fee	Order/Penalty	Referred	6/21/99
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99
Wunschel Oil Co.; Vernus Wunschel and Jacquelyn Wunschel Battle Creek (3) <b>UPDATED</b>	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00
Wunschel Oil Co.; Vernus Wunschel and Jacquelyn Wunschel Ida Grove (3) <b>UPDATED</b>	Hazardous Condition	Site Access; Other	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	5/17/99 9/12/00

7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 - Letter to City attorney regarding setting for hearing. 3/00 - Dept. reviewing City Engineer's submittal.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTYY50)	4	Admin. Order	UT	Wornson	Revised Tier 2 approved. CADR due 6/2/00. CADR overdue, working with responsible party. Upon CADR proposal approval, dismiss appeal. Compliance achieved on consent settlement and CADR schedule approved with UST Fund budget approval. Closed.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Tier 1 completed - awaiting DNR review. Order will be dismissed without prejudice and penalty withdrawn. Closed.
8/29/94	B and B Tire and Oil (8LT088)	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR required AO dismissed without prejudice and penalty withdrawn. Closed.
9/09/94	American Coals Corp., Site (Bussey)	55	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution. Release of closure funds agreed to by bankruptcy trustee. Waiting for court order to release closure funds.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal. Site is being handled on state lead basis as part of Ida Grove project with UST Fund. Terms of earlier order and consent order are now moot and any new action will likely be in the form of a cost recovery action by the UST Fund. Dismissed order without prejudice. Closed.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 - Letter to attorney regarding setting appeal for hearing. 3/23/00 - Response received from attorney regarding appeal. 9/18/00 - Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 - Titan staff met

						<b>with Dept. to discuss Titan's treatment agreement with the City and other issues.</b>
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 - Report on compliance requested from FO and WW staff. 2/2/00 - Permit to be issued to facility. 6/29/00 - Status report on permit requested from WW permit staff. 9/00 - Per WW permit staff, company's engineer to submit further information prior to issuance of permit.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	<b>Awaiting consent order approval. Awaiting Dept. of Agriculture resolution. Release of closure funds agreed to by bankruptcy trustee. Waiting for court order to release closure funds.</b>
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 - Initial remedial measures completed. Final treatment system currently being designed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 - Revised WLA and permit limits sent to facility. 1/26/00 - Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 - Follow-up letter to City regarding construction schedule. 3/20/00 - Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 - Discussion with City attorney regarding City's schedule. 6/14/00 - Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 - Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 - Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 - Report on compliance requested from FO. 2/7/00 - Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 - Letter to attorney concerning appeal resolution. 3/17/00 - Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 - Status report on compliance requested from FO 6. 2/2/00 - Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 - Follow-up letter to attorney. 4/21/00 - Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	<b>Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.</b>
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	<b>Hearing set for 12/5/00. Settlement tentatively agreed upon.</b>
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 - Response received from WQ engineer. Staff reviewing for decision.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
10/17/96	DeCoster Farms of Iowa (Nursery)	2	Permit Revocation	AFO	Clark	6/15/00 - Settlement status letter to appellant. 8/4/00 -

	Unit 3 - Wright Co.)					Appellant response – being reviewed by Dept. staff.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 – Appeal to be closed. New owner.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Brabec	8/31/00 – Negotiations continue.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 – Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/20/00. 9/11/00 – City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning 1/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 - Appellant's attorney requests additional time for expert consultation.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Brabec	8/31/00 – Negotiations continue.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	<b>10/4/00 – Status report received. Settlement proposal will be sent.</b>
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	4/00 – City progressing on facility improvements. Will monitor for progress.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Settlement meetings held 9/11, 9/19 and 9/28. Still negotiating.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure on hold pending outcome of task force. Settlement meeting held 9/13, 9/21 and 9/27. Settlement close.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued. 2/2/00 – Dept. to contact WS concerning lead and copper sampling. 3/29/00 – Dept. engineer requested two more rounds of sampling to be conducted by 7/30/00. 5/31/00 – Status report requested from WS section. Per WS section 1 <sup>st</sup> round, 2000 lead and copper samples taken. 7/26/00 – Update requested from WS section engineer. 8/30/00 – Settlement offer sent to WS regarding penalty. Facility has returned to compliance. 9/27/00 – No response from WS; follow-up letter sent. 10/3/00 – Penalty received. Closed.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffrey Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting.

8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Violations corrected as of 6/20/00. Penalty to be negotiated after closure determination is made in late September. Settled. Awaiting \$5,000 penalty payment.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	Settlement close.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance. Letter sent 8/14/00 regarding resolution. Response sent 9/7/00; under review by WS.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting penalty payment. Continues to make payments according to plant but no signed payment plan agreement.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Settlement letter sent 6/21/00 – payment due 7/24/00. 10/27/00 – Settlement payment received. Closed.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	7/26/00 – Settled. 10/27/00 – Penalty received. Closed.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settlement offer sent 3/22/00.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule. 10/25/00- New schedule received from City's engineer and approved by Dept. New schedule incorporated into proposed consent order.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
12/01/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 5/18/00. 10/12/00 – Penalty received. Closed.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	7/31/00 – Hearing continued. Settlement being discussed.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 3/22/00.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 2/22/00.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/13/00	Pine Creek Golf Course	2	Admin. Order/Penalty	WS	Hansen	4/26/00 – Letter to WS concerning required monitoring and public notice. 6/26/00 – Second quarter bacteria sample collected. 7/10/00 – Dept. letter requesting 3 <sup>rd</sup> quarter bacteria sample and settlement. 8/24/00 – Per discussion with WS, 3 <sup>rd</sup> quarter bacteria sample taken; test results to be sent to DNR. 9/25/00 – Facility has returned to compliance; settlement offer sent. 10/17/00 – Penalty received. Closed.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	Negotiating before filing.
1/21/00	Dave Thompson	2	Admin. Order/Penalty	SW	Tack	Hearing held 5/31/00. Proposed decision issued 8/31/00. Decision affirms Depts. order and penalty. 11/01/00 - \$2,000 penalty received. Closed.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Settlement discussions held 6/20/00. Proposal to be made by permit applicant.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/10/00	Holland Contracting Corp.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty plan established. Payments are on schedule. 10/00 – All payments received. Closed.



2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/22/00	MINSIA Corporation	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Settlement offer made 4/13/00. Response due by 6/30/00. 9/25/00 – Sent to DIA. Hearing set for 12/12/00. Discovery requests sent by Dept.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/05/00	Ainsworth, City of	6	Admin. Order/Penalty	WW	Murphy	Engineering report due 6/4/00. Penalty payment received 9/1/00. Closed.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Compliance initiated.
4/17/00	Delaware Co. Conservation Board	1	Admin. Order/Penalty	WS	Murphy	Settlement offer sent 7/27/00. Settled. 10/9/00 – Penalty received. Closed.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Clean-up to be completed by 9/21/00.
4/28/00	IBP, Inc.	6	Admin. Order/Penalty	SW	Tack	Proposed settlement sent 7/13/00. Consent order issued 9/18/00 resolving appeal. 10/31/00 – \$1,000 – penalty received. Closed.
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/11/00	John Deere Waterloo Works – DSS	1	Admin. Order/Penalty	AQ	Brabec	Negotiations continue.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/12/00	Iowa Air National Guard – 185 <sup>th</sup> Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	Negotiations continue.
6/06/00	Top of Iowa Cooperative	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/09/00	Alta Vista Property Owners Assoc.	5	Admin. Order/Penalty	WS	Clark	10/11/00 – Penalty settlement offered by facility; being considered by Dept. staff.
6/14/00	Bettendorf, City of	6	Admin. Order/Penalty	WW	Hansen	Set for hearing on 11/3/00.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Brabec	Hearing to be set on penalty offer. Hearing set for 12/13/00.
6/16/00	Millersburg, City of	6	Admin. Order/Penalty	WS	Tack	Compliance achieved. Settlement offer made 9/21/00. 10/12/00 – Penalty received. Closed.
6/28/00	Speltz Elevator, Inc.	2	Admin. Order/Penalty	WW	Murphy	Settlement offer sent 7/21/00. Response requested 11/1/00.
6/30/00	Featherlite, Inc.	1	Admin. Order/Penalty	AQ	Brabec	Negotiations continue. Settlement close.
7/10/00	Boondocks Truck Haven Café	5	Admin. Order/Penalty	WS	Hansen	Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed. 10/2/00 – FO 2 report as-builts need to be submitted for chlorination system and bacteria sampling plan needs to be updated. WS has begun submitting monthly reports.
7/10/00	Lincoln, City of	5	Admin. Order	WW	Hansen	10/5/00 – FO 5 to set up meeting with City to discuss resolving appeal.
7/12/00	Malvern, City of	4	Admin. Order/Penalty	WW	Hansen	Informal settlement meeting set for 10/12/00 at FO 4 to discuss schedule, penalty and SEPs. Dept. to submit settlement offer to City. Hearing reset for 12/20/00..
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/19/00	Prairie Village Mobile Home Park	5	Admin. Order/Penalty	WS	Hansen	6/27/00 – WS has submitted required CCR for 1998 and 1999. 7/26/00 – WS still needs to submit certification and proof of public notice. 9/26/00 – WS has returned to compliance with CCR requirements. Settlement offer sent. Settled. 10/23/00 – Penalty payment received. Closed.
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Southeast Iowa CCI (Southland Pork L.C.)	6	Permit Issuance	AFO	Wornson	Negotiating before filing.
8/11/00	Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Pottratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal-Mart)	1	Permit Issuance	FP	Clark	Hearing held 10/10/00. Briefs due 11/20/00.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/14/00	AGP Grain Cooperative	2	Admin. Order/Penalty	AQ	Brabec	Settled. Payment received and SEP completed. Closed.
8/24/00	Riley Industrial painting	6	Admin. Order/Penalty	AQ	Brabec	Settled. Consent amendment signed. Awaiting penalty payment.
8/31/00	Heritage Residence	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.

9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/07/00	Iowa City, City of	6	Consent Order	WW	Murphy	Negotiating before filing.
9/08/00	Agri Grain Marketing	1	Admin. Order/Penalty	AQ	Brabec	Negotiation meeting scheduled for 10/19/00. Settled. Awaiting signed consent amendment and payment.
9/11/00	Q.C. Metallurgical Laboratory, Inc.	6	License Suspension		Wormson	Negotiating before filing.
9/15/00	Food Waste Solutions, LLC	1	Admin. Order/Penalty	WS	Clark	9/29/00 – Settlement confirmation letter sent. Payment due 10/31/00.
9/22/00	EnviroBest, Inc.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment and payment.
9/27/00	Leroy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation	6	Admin. Order/Penalty	AQ/SW	Brabec	New case. Settled. Awaiting signed consent amendment and payment.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	New case.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	New case.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	To be sent to DIA to be set for hearing.
9/29/00	Charles City, City of	2	Admin. Order/Penalty	WW	Murphy	New case.
9/29/00	Curries Company	2	Admin. Order/Penalty	AQ	Preziosi	New case.
10/02/00	Sutliff Store and Tavern	1	Admin. Order	WS	Murphy	New case. Alternative improvements and monitoring proposed by facility for 10/16/00. Will monitor for compliance 12/31/00.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	New case. Sent to DIA 10/17/00.
10/03/00	Casey's General Store (Waukee)	5	Admin. Order/Penalty	UT	Wormson	New case.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	New case.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	New case.
10/04/00	Krajicek, Inc. d/b/a Krajicek Bros. Sara and Leonard Krajicek	4	Admin. Order/Penalty	AQ	Brabec	New case.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	New case. 10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section.
10/05/00	J.W. Ready Mix & Construction	3	Admin. Order/Penalty	AQ	Preziosi	New case.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	New case.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	New case.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	New case.
10/12/00	CMT Enterprises	4	Admin. Order/Penalty	AQ	Brabec	New case.
10/13/00	Salem Lutheran Church	3	Admin. Order/Penalty	WS	Clark	New case.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	New case.

### Information: Report of Waste Water By-passes

A new report is being added for information this month: Report of Wastewater By-passes. Subrule 567-63.6(2)(455B) requires that by-passing as a result of mechanical failure or acts beyond the control of the owner be reported to the Department within 12 hours of discovery. This does not include by-passes occurring as a result of precipitation.

The Department then makes notifications to the affected public such as downstream surface water supplies and recreational users. The owner is also required to make notifications to downstream users such as livestock owners. Depending on the nature and extent of the by-pass, the owner may be required to conduct sampling, disinfect and cleanup debris resulting from the by-pass.

Domestic wastewater comes from residences, businesses and institutions and contains wastes generated from kitchens, restrooms and laundry activity. Industrial wastewater can vary considerably depending on the nature of the manufacturing process. It typically contains raw materials, intermediate products and by-products of the manufacturing process. In general, by-passes from industrial facilities rarely occur in Iowa.

When sampling is required, four parameters are typically measured: 5-day biological oxygen demand (BOD), total suspended solids (TSS), ammonia, and fecal coliform bacteria. These parameters indicate the strength of the waste and the efficiency of the treatment plant when raw influent and final effluent samples are compared to each other.

These same parameters are measured during investigations of spills or upsets from animal feeding operations. The characteristics of waste from animal feeding operations can vary considerably depending on the species involved, and how the waste is stored and managed at the facility. Raw swine manure is approximately 100 or 74 times more concentrated than raw domestic wastewater when compared for BOD and ammonia respectively. Manure stored/treated in anaerobic lagoons is usually the most dilute form of manure stored, and may be up to 2.5 or 14 times more concentrated than raw domestic wastewater when compared for BOD and ammonia respectively.

#### Sources of information:

Livestock Waste Facilities Handbook, Midwest Plan Services

- MOP/11, Operation of Wastewater Treatment Plants
- Confinement Site Manure Applicator Certification Study Guide
- IDNR Policy Procedure 5-b-03 (WW)

### Table 1

The table below compares analytical results from a domestic wastewater by-pass and a hog manure spill from a confinement pit. These incidents occurred in the Floyd River watershed, approximately one year apart.

Source	Volume (gallons)	5-day BOD (ppm)	TSS (ppm)	Ammonia (ppm)	Fecal Coliform (colonies/ 100 mL)	Fish Kill	Stream Flow @ Alton (cfs)	AO	Penalty
WW by-pass, Orange City  (raw, untreated sample at point of discharge)	150,000 to 160,000 (over two days) 7/24-25/99	470  7/26/99	565  7/26/99	8.3  7/26/99	3,600,000  7/26/99	None	154 - 187	Yes	\$2,000  (uncontested)
<u>Hog manure, Verdoorn Farm</u> (sample collected 1.7 miles downstream of source)	9,000 to 10,000  7/7 - 8/98	1200  7/08/98	1140  7/08/98	650  7/08/98	10,000*  7/08/98	Yes, 7,978 minnows, suckers & shiners 10.5 miles	33 - 41	Yes	\$3,000 plus \$3,554 in rest.  (uncontested)

\*This sample collected 9.6 mi. downstream of source

**Figure 1**  
**Iowa Department of Natural Resources**  
**Environmental Protection Division**  
**Report of WW By-passes**

During the period October 1, 2000, through October 31, 2000, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4(0)	1.4(0)	4(0)	0(0)
November					
December					
January					
February					
March					
April					
May					
June					
July					
August					
September					

(numbers in parentheses for same period last year)  
Note: data not previously collected, thus no data  
for the previous year

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	0	0	0	5

**Quarterly Report  
July 1, 2000 – October 30, 2000**

**Small Business Liaison for Air Quality (SBLAQ)  
IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT**

The following report is submitted to satisfy the requirements in section 4.1 of contract 2001-7230-04 between the Iowa Department of Economic Development and the Iowa Department of Natural Resources.

**A. Progress**

**Outreach**

1. Attended Voluntary Ozone Planning Conference follow-up meeting to discuss the success of the Ozone Planning Conference in the Quad Cities.
2. Attended EPA Region 7 meeting for the SBO/SBAP region 7 group to discuss enforcement initiatives, outreach and additional information from EPA regional headquarters.
3. Worked with ABI committee per Mike Valde's request to identify a proposal for fugitive emissions to include specific emission types associated with industrial processes.
4. Attended SBO meeting in Washington D.C. to represent Region 7 SBOs and SBAPs. These meetings are designed to identify upcoming issues for the SBO program to provide direct input to US EPA on programs affecting small businesses.
5. Participated in a National Promotional Campaign to design a campaign to reach congressional representatives, national associations, and develop a campaign to reach out nation-wide to small businesses and make them aware of the 507 programs.
6. Attended ABI Annual Environmental Meeting.
7. Attended Asbestos workshop sponsored by IDNR.
8. Attended Energy & the Environment meeting.
9. Advisory Board meeting Energy, Industry and the Environment at Iowa State University.
10. Governor's Iowa Industry Conference and Awards.

**Presentations**

Advisory Board meeting Energy, Industry and the Environment at Iowa State University.

**Publications**

None.

**Mailings**

Distributed 100 brochures to Region 7 EPA office for targeted small business visits.

**Training**

Provided training to Idaho's SBO.

**Education**

1. T040-00: New Paradigms for Transportation and Environmental Management (CLN 1214).
2. T014-00: Preparation and Review of Quality Assurance Project Plans (CLN 1215).

**Rule Review**

1. Submitted comments for 9885A Air Quality regs-- Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 24, "Excess Emission," and Chapter 25, "Measurement of Emissions,"

**Complaint resolution**

1. Sample asbestos forms requested.  
*Description* – complaints generated by two small businesses that IDNR staff had been contacted and asked how to fill out asbestos notification forms. The small businesses filled out and submitted the forms as directed by IDNR staff. When sent into IDNR, the forms were denied or triggered a violation because they were filled out incorrectly, as directed by IDNR staff.  
*DNR area affected* – asbestos compliance/enforcement  
*DNR staff contacted* – Brian Button, Marion Burnside, Dennis Thielen  
*SBO action* – design a companion document to describe sections of the asbestos notification form and the correct entry required  
*DNR action* – DNR is reviewing the documentation completed by the SBO

**B. CHALLENGES**

Timely review of documents by IDNR staff – Air Quality Fact Sheets  
 Timely review of documents by IDNR staff – Sample Asbestos Forms

**C. CLIENT COMPLAINTS**

Two general complaints received:

IDNR is more strict than other state DNR equivalents

IDNR permitting and policy issues are inconsistent when comparing past permitting issues with similar issues.

These complaints are being looked into and reviewed as information is available to the SBO regarding specific information.

**D. OUTREACH ESTIMATES**

150 small businesses

Mike Valde said there were a couple of new reports this month and there was a correction made on the pie chart included in the Wastewater Bypasses Report so an updated pie chart had been distributed before the meeting. He reviewed the new Wastewater bypass in detail, which included comparison data with manure spills. He said the other new report was for the Small Business Liaison for Air Quality which was required according to a provision included in the contract with IDED approved by the Commission in October.

Discussion followed regarding the Wastewater Bypass report.

**INFORMATIONAL ONLY**
**TEMPORAL AND SPATIAL PATTERNS OF NUTRIENTS IN IOWA STREAMS**

Mary Skopec, Research Geologist, Geological Survey Bureau, presented the following item.

The nutrient enrichment of Iowa's streams is a significant problem for the water quality of the state. Excess amounts of nutrients such as phosphorus can result in blooms of algae that deplete the water of oxygen when they decay. High levels of nitrate have been linked to human health issues such as blue-baby syndrome and some forms of cancer. Both nitrogen and phosphorus contribute to the eutrophication of lakes and the hypoxic conditions (low-oxygen) in the Gulf of Mexico. The ambient water-quality monitoring program is tracking the occurrence of nutrients in Iowa's surface waters and attempting to characterize the behavior of these chemicals through time and by geographic regions of the state. The monitoring program is also working on an accounting of nutrient losses from the state to the Mississippi and Missouri rivers and the contribution of Iowa to the development of hypoxia in the gulf.

Nutrients have been monitored in Iowa at 16 stream stations monthly since 1986 as part of Iowa's limited surface water monitoring program. Historical data from this program shows that ammonia levels appear to be decreasing at many of the long-term stations and is probably the result of waste-water treatment plant upgrades. However, the long-term record does not show an appreciable trend in nitrate concentrations during this time. The drought of 1988-1989 appears to have decreased nitrate levels for those years, but otherwise little change has occurred over the 13-year period. Similarly, phosphate concentrations have remained relatively constant from

1986 – 1998. The long-term monitoring record, while valuable, has a few drawbacks. The monitoring design avoided monitoring near urban areas and during times immediately following rainfall events when runoff is highest. While that design ensured monitoring during stable conditions and was more representative of ambient conditions in agricultural areas, it did not provide a clear picture of the urban contribution to nutrient enrichment nor did it document the influence of peak flows on the movement of nutrients to Iowa's streams. The enhanced water-monitoring program began in October of 1999 and increased the number of monthly sites to 60 for more complete coverage of the state. This new program also included fall and spring monitoring for nutrients (among other constituents) upstream and downstream of 10 large, interior cities. Based on these two samples, a slight increase in median nitrate-nitrogen concentrations downstream of cities occurred in both the fall and spring periods. The upstream median concentration of nitrate-N was roughly 1.7 mg/L for both periods, while the downstream median concentrations were slightly over 2 mg/L. The situation is similar for phosphorus; downstream median concentrations were 0.1-0.15 mg/L higher in both sample periods (from roughly 0.2 mg/L upstream to over 0.3 mg/L downstream). While the increases in phosphorus downstream of cities are not large, they may become important if phosphorus standards are established in the 0.1 to 0.2 mg/L range. Upstream/downstream monitoring of cities will be expanded from two samples to a monthly frequency during fiscal year 2001.

The previous ambient monitoring program had specifically avoided sampling during peak runoff periods. However, many contaminants such as phosphorus are transported in greater quantities following precipitation events and are at the greatest concentrations during runoff events. Therefore, there was a need to characterize the concentrations and loads of nutrients and pesticides at a more frequent rate throughout the time period when they most commonly occur. To assess the temporal variability of nutrients, three streams in eastern Iowa were sampled daily during the spring and summer of 2000 for nitrogen and phosphorus species as well as several herbicide compounds. The results from this monitoring effort showed that the highest concentrations of phosphorus occurred early in the season following the first heavy rain event and substantial increase in stream discharge. Later increases in stream discharge also corresponded with increases in phosphorus concentrations, but were lower than the initial spike of phosphorus seen early in the season. The reason for this pulse of phosphorus early in the spring is not known yet, but it may be related to the lack of vegetative growth protecting the stream banks and farm fields from erosion and phosphorus-rich sediment loss. Nitrate, on the other hand, was more consistently detected throughout the growing season. Low-flow stream conditions early in 2000 resulted in low initial nitrate concentrations, but as rainfall events began in mid-May and early June, the nitrate levels responded. In general, peak flow discharges created a sharp decline in nitrate concentrations followed by a rapid increase over the next few days as discharge subsided. This pattern of nitrate concentration versus stream flow was expected given that nitrate moves predominantly through the shallow groundwater system and not by runoff over the land surface as is the case with sediment and phosphorus, thus delaying its entry into the stream system.

The daily monitoring program conducted on the three streams of varying drainage basin sizes was initiated so that we may begin to understand and document the role of temporal and spatial variability on nutrient and contaminant movement through the hydrologic system. An understanding of the hydrologic system is critical, not only to design better monitoring systems,

but to provide information on the possible solutions to our water quality issues. Long-term trends can not be determined from the daily record collected this summer, so the monitoring program is beginning to compile and assess the available long-term record from other entities such as the Corps of Engineers, water utilities, and universities. Additionally, the regional differences in nutrient yields from various types of Iowa landforms will be investigated using both the long-term records and more targeted monitoring efforts as part of the new, enhanced program. These regional differences should be considered when developing water quality standards and remediation strategies for Iowa's waterbodies.

Mary Skopec distributed handouts to the Commission. She said she works with the ambient monitoring program and Commissioner Jim Braun asked her to come in to talk about some of the early results they have from this program. She said from 1986 through September of 1999, there were 16 stations that were monitored monthly and 60 stations that were monitored quarterly. They were told specifically to stay away from cities and runoff events to provide stable conditions for monitoring.

She said on October 1, 1999 the new ambient monitoring program began testing the 60 stations that had been tested quarterly, on a monthly basis. They also began testing water both upstream and downstream of some cities. In the first year the city testing was done only twice but increased to a monthly basis in the year 2000.

She then reviewed the results they have obtained thus far. She said according to the historical data from the 16 stations tested from 1986 through 1998 ammonia levels appear to have gone down, however phosphate and nitrate levels have remained the same.

In the expanded ambient monitoring of 60 stations the ammonia levels are highest in the early part of the year. Nitrates appear to reflect that we have had dry year. Dissolved phosphates raised a slightly in January, February, June, and July but remained relatively low for the most part. In looking at total phosphate rains in June increased those levels substantially.

She said regional trends show that average total phosphorous for most of the state is falling in the .1 to .3 range and if that is where the water quality standard is set it could have some serious implications for Iowa. Nitrates show that southern Iowa has very low nitrate concentrations while the North Raccoon, which falls on the Des Moines lobe has some of the highest levels. The rest of the state tends to fall in the 5 to 10 milligrams per liter range, which is where the standard could be set by EPA.

She then reviewed the results of the city sampling that was done in the Fall of 1999 and again in the Spring of 2000. She said the ammonia levels were very similar which indicate that the wastewater treatment plants are doing their job. Phosphate levels were slightly higher downstream. Nitrate levels increased only very slightly downstream from upstream results.

She said, in addition to other testing being done, they tested three different sized watersheds mostly in eastern Iowa to look at what contaminants were found every day. By sampling every day they found several peaks of ammonia in Old Man Creek, which was the smallest watershed tested, usually less than 1 milligram per liter. Nitrates were very low until the spring rains in late May. During the first rain event there is a fairly large spike in phosphates, and during the

first major rain event there is a very large spike. They found very similar events at the other two larger watersheds although the larger the watershed the lower the peaks.

Brief discussion followed.

<b>INFORMATION ONLY</b>
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## **STATUS OF RULEMAKING FOR THE ONSITE REVOLVING LOAN FUND**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

In June 2000, the Commission approved a Notice of Intended Action to establish a new Chapter 93, "Onsite Wastewater Treatment System Assistance Program." As there were many questions remaining at that time regarding how the onsite loan program would be carried out, the Environmental Protection Division continued to work with EPA and other interests in refining the NOIA before publication. The NOIA was published on September 20, 2000 and hearings were held throughout the state in October to take comments on the proposed rules.

Due to questions regarding the statutory authority to carry out a revolving loan program for individual, on-site sewage treatment systems, the Attorney General's office was contacted to provide informal advice on this issue. In brief, it is the view of the AG's office that the Department does not have adequate statutory authority to establish a revolving loan fund for the on-site program. Although the advice is not a formal opinion and is not binding, it is unlikely the AG's office could provide the certification needed to obtain approximately \$3 million in EPA capitalization grant funds that were to be used in combination with the \$600,000 appropriated by the 2000 General Assembly for this purpose (the Clean Water Act requires a 20% state match for SRF capitalization grants).

It is the intent of the Department place the onsite rulemaking effort on hold and to seek statutory changes next legislative session to allow the existing sewage treatment and drinking water financing program created by Iowa Code Section 455B.294 to be used for an on-site revolving loan fund. Final action on proposed rules must be taken within 180 days of publication or the last date of oral presentations (i.e., hearing date), whichever is later. This would give the commission until mid-April to take action on the presently proposed rules. Alternatives would be to terminate the existing rulemaking effort (issuing a new NOIA at a later date) or to proceed forthwith to finalize the rules, notwithstanding the AG's advice.

Mike Valde said he had told the Commission in September or October that he would be bringing this rule and asking for it to be made effective immediately. However in order to use the Capitalization Grant money, the federal rules require that the money be put into a revolving loan fund. It is the opinion of the Attorney General that the Department does not have the statutory authority to establish a revolving loan fund. The Department is hoping to get a legislative correction to give them the statutory authority. He said the last public hearing was held in mid October and the Administrative Procedures Act gives them 180 days after the close of the



comment period. The plan is to put the rules on hold until the statutory authority issue can be resolved.

<b>INFORMATION ONLY</b>
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## **PROPOSED RULE, CHAPTER 61, WATER QUALITY STANDARDS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with proposed changes to the state's water quality standards (WQS). These changes are being proposed to address EPA disapproval of various changes made to the WQS from July 1992 through January 1999 and to avoid federal (EPA) promulgation of WQS for Iowa.

Under the Clean Water Act, the EPA must approve any changes to a state's WQS. If disapproved by the EPA, a state has 90 days to revise the standards. The EPA must "promptly" promulgate revised standards for the state if the state fails to make the appropriate revisions. The EPA has promulgated WQS for a number of states (including a current effort for Kansas), but has never done so for Iowa.

The Commission adopted extensive changes to Iowa's WQS in 1990 and these changes, along with subsequent minor changes, were approved by the EPA in 1992. After 1992, the Commission made a number of other changes to the WQS. Some of these were officially transmitted to the EPA for review and approval while some were not (the EPA was always provided with copies of the NOIAs and had knowledge that the changes were being made). Notwithstanding CWA language that requires EPA to approve or disapprove WQS changes within a 60 to 90 day time period, the EPA did not approve or disapprove any of the post-'92 changes. Prior EPA rules provided that state-adopted WQS were effective for the purpose of the CWA until such time as the EPA took formal action to approve or disapprove them.

A recent case (known as the Alaska case) resulted in a federal court ruling that until such time as the EPA approves state-adopted WQS, the WQS are not effective for the purpose of carrying out the CWA. The ruling prompted the EPA to adopt new rules reflecting the court decision and to launch a nationwide effort to catch up on the backlog of state WQS submittals.

Region VII EPA conducted a review of all post-'92 WQS changes and by letter dated July 1, 1999 approved most changes, but disapproved specific items. The disapproved items generally fell into the following broad categories: removal or "downgrades" of designated uses for waterbodies; numeric water quality criteria, and the antidegradation policy. Many of the disapproved items were addressed in the recently approved WQS changes (Phase 1 of the triennial review approved by the Commission in September). The remaining items were intended to be addressed in subsequent phases of the triennial review. However, the EPA recently made it clear they would be moving forward with promulgation unless the Department took immediate action to address the remaining disapproved issues.

The proposed NOIA is intended to address the remaining disapproved WQS in a short timeframe, primarily to avoid the prospect of federal promulgation. Although the Department is

continuing to finalize the needed changes with Region VII EPA, it is expected the NOIA will initiate action to:

- a) Establish a Class A (Primary Contact Recreation) use designation for ten waterbodies or waterbody segments. Six stream segments and three lakes that were designated as Class A waterbodies in the pre-1990 WQS are currently not designated as Class A waters. The EPA feels these need to be designated as Class A waters unless a use attainability analysis is done to show they cannot be used for primary contact recreation. In addition, the Class A use was removed from one stream segment (Big Creek near Mt. Pleasant) by the Commission without the proper documentation (i.e., use attainability analysis).
- b) Establish numerical criteria for various chemicals or elements. These include endosulfan, bromoform, chlorodibromomethane, chloroform, and dichlorobromomethane and, possibly, several others. The existing WQS either do not have numeric values for these compounds or the EPA feels the established values are inconsistent with EPA guidance for developing site-specific values.
- c) Revise or eliminate a provision in the antidegradation policy that exempts the repair and maintenance of a drainage district ditches from the policy. The EPA denied this provision adopted in October 1993 because they feel it is inconsistent with the requirement that WQS, including antidegradation, apply to all waters of the state.

Mike Valde said under the Clean Water Act, states have to adopt water quality standards. Water quality standards have to be submitted to EPA for approval, and EPA has to then approve or disapprove the water quality standards that the state adopts. He said there was a case out of Alaska a while back that held that if the EPA had not approved standards that the state had submitted then those standards were not yet effective. The State of Iowa had submitted water quality standards since early 90's on which EPA had taken no action. They took action in the summer of 1999, partially approving and partially disapproving that decade's worth of water quality standards.

The Clean Water Act then provides that if the State does not correct the disapproved standards in 90 days then the EPA will promptly promulgate water quality standards for the State. EPA is now in the mode of promulgating the State of Iowa standards for those that they have disapproved.

The Department sat down and met with EPA and put together the proposed rule which will put in place those standards that they disapproved and avoid the Federal promulgation. He then explained the changes being proposed.

Brief discussion followed.

Mike said this is an information item this month and the Department intends to initiate notice of intended action next month.

<b>INFORMATION ONLY</b>
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## **GENERAL DISCUSSION**

Terry Townsend distributed a list of the membership for the Agrichemical Remediation Board that had been given to him by Liz Christiansen and said that Liz thought it would be a good idea to have Susan Dixon, who is the DNR representative on this board, attend the next meeting to give the Commission a little more detail about them.

It was decided that the January meeting would be held on Tuesday January 16<sup>th</sup>, and the Commission would hold the Legislative Coffee on Wednesday January 17<sup>th</sup>. Rozanne King said she would be absent that meeting.

Mike Valde said in reference to the Commission's concern on the amount of the penalties for asbestos violations, in the October issue Environmental Reporter, which reports EPA cases from around the country, an asbestos contractor in and EPA case was found guilty and has not yet been sentenced but faces 65 years in prison and a 4.1 million dollar fine. Another case in the same issue where the contractor was found guilty of seven counts and faces up to \$250,000 fine and five years in prison for each count.

### **NEXT MEETING DATES**

December 18, 2000

### **ADJOURNMENT**

<i>Motion was made by Lisa Davis Cook to adjourn. Seconded by Rozanne King. Motions carried unanimously.</i>
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With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 2:35 p.m., Monday, November 20, 2000.

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Lyle W. Asell, Interim Director

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Terrance Townsend, Chair

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November 2000

Environmental Protection Commission Minutes

Rita Venner, Secretary

**INDEX****A**

Adjournment, 71  
Adoption of Agenda, 1  
Affordable Asbestos Removal, Inc  
    Contested Case Appeal, 32  
Amendment to Agreement  
    Windsor Technologies, Inc. for SPARS,  
    43  
Appointment  
    Doug Herman (Affordable Asbestos), 33  
Approval of Minutes, 1

**C**

Call to Order, 1  
Chapter 567-111  
    Notice of Intended Action, 5  
Chapter 61  
    Water Quality Standards  
        Proposed Rule, 69  
Chapter 81  
    Operator Certification  
        Public Water Supply Systems and  
        Wastewater Treatment Systems  
        Final Rule, 46  
Commissioners Absent, 1  
Commissioners Present, 1  
Contested Case Appeal  
    Affordable Asbestos Removal, Inc., 32

**D**

Director's Report, 1  
Doug Herman  
    Appointment (Affordable Asbestos), 33

**F**

Final Rule  
    Chapter 81  
        Operator Certification  
        Public Water Supply Systems and  
        Wastewater Treatment Systems,  
        46  
Financial Status Report, 2

**H**

Hal Morton  
    Public Participation (Iowa Code 567  
    Chapter 111), 20

**J**

James Harter  
    Referrals to the Attorney General  
    (Wastewater Penalty), 48  
Julie Bell  
    Public Participation (IA Agrichemical  
    Site Remediation Board), 20

**L**

Legislation 2001, 38  
Legislative Initiatives 2001  
    Bottle Bill, 37

**M**

Manure Management Plan  
    Proposed Rule Change, 47  
Mary Skopec  
    Temporal and Spatial Patterns of  
    Nutrients in Iowa Streams, 65  
Memorandum of Agreement  
    U.S. Army Corps of Engineers and the  
    Department., 42  
Monthly Reports, 48

**N**

Notice of Intended Action  
    Chapter 567-111  
    Financial Assurance Requirements, 5

**O**

Operator Certification  
    Public Water Supply Systems and  
    Wastewater Treatment Systems  
    Final Rule  
    Chapter 81, 46

**P**

Petition for Rulemaking

Mayor William H. Harbor  
City of Henderson, 5

Proposed Rule

Chapter 61

Water Quality Standards, 69

Proposed Rule Change

Manure Management Plan, 47

Public Participation

Hal Morton (Iowa Code 567 Chapter  
111), 20

Julie Bell (Ia Agrichemical Site  
Remediation Board), 20

Robert Main (Operator Certification  
Rules), 20

**R**

Referrals to the Attorney General

James Harter (Wastewater Penalty), 48

Robert Main

Public Participation (Operator  
Certification Rules), 20

**S**

Solid Waste Alternatives Program

Recommendations, 23

Status of Rulemaking for the Onsite

Revolving Loan Fund, 68

**T**

Temporal and Spatial Patterns of Nutrients

in Iowa Streams

Mary Skopec, 65

Toxic Cleanup Days and Household

Hazardous Materials General Education  
Grants, 21

**W**

Water Quality Standards

Proposed Rule

Chapter 61, 69

Windsor Technologies, Inc. for SPARS

Amendment to Agreement, 43